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CHARTER

OF THE

City and County of

San Francisco

Recodified November 2, 1971, in effect December 7, 1971



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Robert J. Dolan, Clerk of the Board

HISTORY OF RECODIFIED CHARTER LEGISLATION

The recodified charter was ratified by vote of the People on November 2, 1971; ratified by the Legislature of the State November 30, 1971; in effect December 7, 1971.

Charter Amendments

<i>Section Amended</i>	<i>Section Added</i>	<i>Date of Election</i>	<i>Date Ratified</i>
	2.203-1	June 6, 1972	June 30, 1972
8.340		June 6, 1972	June 30, 1972
8.400		June 6, 1972	June 30, 1972
8.405		June 6, 1972	June 30, 1972
	8.506-1	June 6, 1972	June 30, 1972
	8.535	June 6, 1972	June 30, 1972
8.545		June 6, 1972	June 30, 1972
8.569		June 6, 1972	June 30, 1972

TABLE I

**DISPOSITION OF SECTIONS OF THE 1932 CHARTER
AS AMENDED IN THE
1971 (RECODIFIED) EDITION OF THE CHARTER**

<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>
1 -----	1.100	22 par. 1 -----	2.401, 3.101, 3.500
2 par. 1 -----	1.101	par. 2 -----	2.401, 3.500
par. 2 -----	11.100	23 par. 1 -----	11.102
par. 3 -----	11.101	par. 2 -----	2.307
par. 4 -----	11.102	24 par. 1 -----	7.707
par. 5 -----	1.101	par. 2 -----	6.402, 7.704 3.537, 3.510
3 -----	1.102	par. 3 -----	7.500, 7.704, 7.707
4 -----	10.103	par. 4 -----	6.403
5 par. 1 -----	9.100	24.1 -----	6.412
5.1 -----	9.101	25 -----	3.100
6 par. 1 -----	8.102	26 -----	3.401
par. 2 -----	8.104	26.1 -----	3.401
7 par. 1 -----	8.100	27 -----	7.700
8 -----	8.101	28 -----	3.400
9 par. 1 -----	2.101	29 -----	3.402
par. 2 -----	2.101	30 -----	3.402
par. 3 -----	2.101	31 -----	3.405
par. 4 -----	2.102	32 -----	3.404
10 par. 1 -----	2.100	33 -----	3.403
par. 2 -----	2.200, 2.202	34 -----	3.406
par. 3 -----	2.200	34.1 par. 1 -----	3.406 (b)
10.1 -----	2.201	par. 2 -----	3.406 (c)
11 -----	8.107	par. 3 -----	3.406 (b)
12 -----	2.203	35 par. 1 -----	3.530, 3.538
13 par. 1 -----	2.300	par. 2 -----	3.538
par. 2 -----	2.300	par. 3 -----	3.538
par. 3 -----	2.300	35.1 -----	3.532
par. 4 -----	2.300	35.2 -----	Deleted
par. 5 -----	2.300	35.3 -----	3.534
par. 6 -----	2.300, 10.100 (f)	35.4 -----	3.533
par. 7 -----	2.300	35.5 par. 1 -----	3.531
13.1 -----	2.300	par. 2 -----	8.405 (a)
14 par. 1 -----	2.302	35.5½ -----	8.451
par. 2 -----	2.302	35.5.1 -----	8.405 (a)
par. 3 -----	2.303	35.5.2 -----	8.405 (b)
par. 4 -----	2.302	35.6 -----	3.537
par. 5 -----	2.302	35.7 -----	3.537
15 -----	2.305, 2.300	35.8 -----	3.539
16 -----	2.304, 2.301	35.8.1 -----	3.539
17 -----	2.306	35.9 -----	3.535
18 -----	3.700	35.10 -----	3.536
19 par. 1 -----	2.101	35.11 -----	8.405 (a)
par. 2 (a-i) -----	3.500	35.12 -----	3.537
par. 3 -----	3.500		
20 -----	3.501		
21 -----	2.400, 3.701		

Disposition of Former Sections

1932 Charter Section	Recodified Charter Section	1932 Charter Section	Recodified Charter Section
35.13	Deleted	42.3	7.403 (c)
36 par. 1	3.540	42.4	6.400 (b)
par. 2	3.541	43 par. 1	3.560
par. 3	3.540	par. 2	3.560
par. 4	3.542	par. 3	3.561
par. 5	3.542	par. 4	8.300 (a)
par. 6	3.542	par. 5	Deleted
par. 7	8.405	44 par. 1	3.610
par. 8	8.452	par. 2	3.611
par. 9	8.452	par. 3	6.404 (a)
par. 10	3.547	45	3.600
par. 11	8.405	46	3.601
36.1	Deleted	47	Deleted
36.1½	3.543	48	Deleted
36.2	8.405 (c)	48.1	Deleted
36.2.1	Deleted	48.2 par. 1	3.582
36.3 par. 1	8.405 (d)	par. 2	6.401 (b)
par. 2	Deleted	par. 3	3.582
par. 3	Deleted	par. 4	3.582
par. 4	8.405 (c)	par. 5	3.580
par. 5	Deleted	48.3 par. 1-18	3.581
37	3.544	par. 19-22	7.305
38	3.545	par. 23-24	3.581
38.01 par. 1	3.542	par. 25	3.585
par. 2-9	8.327	48.4 par. 1-3	3.583
par. 10	8.405 (c)	par. 4	8.300 (c)
par. 11	Deleted	par. 5	3.584
par. 12	Deleted	par. 6-15	6.406
38.1	Deleted	49	3.100
38.2	Deleted	50 par. 1	3.620
38.3	3.546	par. 2	3.621, 3.622, 8.300 (a), 3.623
39 par. 1	3.650	par. 3	6.404 (b)
par. 2	3.651	par. 4	3.624
40 par. 1	3.550	51 par. 1	3.630
par. 2	3.550	par. 2	3.631
par. 3	Deleted	par. 3	3.631, 6.404 (c), 3.632, 8.300 (a), 3.633
41 par. 1	3.551	par. 4	3.634
par. 2	3.551	52 par. 1	3.640
par. 3	Deleted	par. 2	3.641, 3.642
41.1	7.403 (a)	par. 3	3.643
42 par. 1	3.552	par. 4	6.404 (d)
par. 2	3.552	par. 5	8.300 (d), 8.300
par. 3	3.552	par. 6	3.644
par. 4	3.552	52.1	6.411
par. 5	Deleted	53	4.100
42.1 par. 1	3.552	54	4.101
par. 2	3.552	55	4.102
par. 3	3.553		
42.2	7.403 (b)		

Disposition of Former Sections

1932 Charter Section	Recodified Charter Section	1932 Charter Section	Recodified Charter Section
56	4.103	73	6.207
57	4.104	74	6.205
58	par. 1-9 4.105	75	6.308
	par. 10 8.300 (a)	76	6.302
	par. 11 4.105	77	6.305
59	3.200	78	par. 1 6.208
60	3.201		par. 2 6.400 (c)
61	par. 1-3 3.510		par. 3 6.400 (a)
	par. 4 3.510, 11.102	79	6.307
	par. 5 11.102, 3.510	80	6.306
	par. 6 11.102	81	6.304
	par. 7 3.510	82	6.311
	par. 8 11.102, 3.510,	83	6.310
	8.300	84	6.309
	par. 9 3.510	85	par. 1 6.303
	par. 10 3.510		par. 2 8.400 (b)
	par. 11 8.300, 3.510		par. 3-6 6.303
	par. 12-16 3.510	85.1	8.400 (b)
61.1	par. 1-5 3.570	86	par. 1 6.306
	par. 6 3.571		par. 2 6.302
	par. 7 3.573, 11.102		par. 3 6.313
	par. 8 8.300 (a)		par. 4 6.302
	par. 9 3.572		par. 5 6.312
62	8.300 (a)	87	7.703
63	par. 1 3.300	88	7.100
	par. 2 Deleted	88.1	7.101
64	par. 1-2 3.301	88.2	7.102
	par. 3 3.301, 3.596	89	7.103
	par. 4 3.301	90	7.104
65	3.302	91	7.400
66	3.303	92	par. 1 7.401
67	3.304		par. 2 6.409
68	3.305		par. 3 7.401
69	par. 1 6.100	92.1	7.703
	par. 2-6 6.200	93	7.402
	par. 7 6.203	93.1	7.402
69.1	6.202	94	7.400
69.2	7.304	95	7.200
70	6.201	95.1	7.201
70.1	par. 1-19 8.406	96	7.202
	par. 20 Deleted	97	7.203
	par. 21 8.406	98	7.204
71	8.400 (h)	99	7.205
72	par. 1 6.203	100	7.206
	par. 2 6.203, 6.204	101	7.300
	par. 3-8 6.204	101.2	7.307
	par. 9-13 6.205	102	7.301
	par. 14 6.206	103	7.302
	par. 15 6.301	104	6.401 (a)
	par. 16 6.300	105	7.303

Disposition of Former Sections

<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>
106 par. 1	3.510	129	6.407 (e)
par. 2	Deleted	130	3.598
par. 3	3.510	131	Deleted
107 par. 1	7.600	132	Deleted
par. 2	3.510	132.1	3.595 (c)
107.1	3.510	133	3.595 (a)
108	7.601	134	5.100
109	7.602	135	5.101
110	7.603	135.1	5.103
111	6.409	136	5.102
112	7.604	136.1	5.104
113	7.605	137	3.690
114	7.606	137.1	3.691
115 par. 1	3.520, 3.521	137.2	7.405
par. 2	3.521	137.3	3.691 par. 2
par. 3	Deleted	137.4 par. 1	3.693
par. 4	3.521	par. 2	3.692
116 par. 1	3.522, 3.523	137.5	3.693 par. 2 & 3
par. 2	3.524	137.6	8.300 (h)
par. 3	3.524	137.7	3.694
par. 4	3.524	138	6.408
par. 5	3.525	138.1	6.408
par. 6	3.526	139	7.306
par. 7	3.529	139.1	3.690
par. 8	3.528	139.2	Deleted
116.1	3.527	140 par. 1	3.660, 8.310 (a)
117	Deleted	par. 2-5	3.660
117.1	7.501	141	3.661
117.2	7.502	142 par. 1-7	8.300 (a)
117.3 par 1, 2	7.503	par. 8	Deleted
par. 3	3.651	par. 9	8.103
118	3.527	142.1	Deleted
119	3.599	143	8.200
119.1	Deleted	144	8.320 (a), 8.320 (d)
120	3.590	145 par. 1	8.321
121 par. 1-7	3.591	par. 2	8.320 (b)
par. 8	3.597, 6.401 (c)	par. 3	8.320 (c)
122	3.592	par. 4	8.321
123	7.404	par. 5	8.330
124	3.593	par. 6	8.324
125 par. 1	8.300 (a) par. 2,	145.01	8.324
par. 2	8.300 (f)	145.02	8.310
par. 3	Deleted	145.1 par. 1	8.331
par. 4	8.450	par. 2	8.331, 6.405
125.1	8.300 (e)	par. 3, 4	8.331
126	3.594	146 par. 1	8.326, 8.327
127	6.407 (a)	par. 2-end	8.327
128	6.407 (c)	146.1	8.328
128.1	6.407 (d)	147	8.325

Disposition of Former Sections

<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>
147.1 par. 1	8.322	159 par. 1	3.670, 3.672
par. 2	8.323	par. 2	3.671
148 par. 1, 2	8.329	160	8.510
par. 3	8.340	161	8.520 (a)
149 par. 1-4	8.332	161.1	8.520 (b)
par. 5	8.333	161.2	8.520 (c)
150	8.400	161.3	8.520 (d)
151 par. 1	8.400 (a)	161.5	8.520 (e)
par. 2	8.401, 8.402	162	8.560
par. 3-10	8.401	163	8.511
151.1	8.401	164	8.525
151.2	8.401	164.1	8.526
151.3 par. 1, 2	8.403	165	8.507
par. 3-13	Deleted	165.1	8.508
par. 14, 15	8.403	165.1.1	8.530
151.3.1	8.404	165.1.2	8.531
151.4	8.440	165.1.4	8.532
151.4.1	8.440	165.1.5	8.533
151.4.2	8.440	165.2	8.509
151.4.3	8.440	165.2.1	8.534
151.4.4	8.440	165.3	8.512
151.4.5	8.440	165.4	8.513
151.4.6	8.440	165.6	8.514
151.5 par. 1, 2	8.440	166	8.540
par. 3	Deleted	166.1	8.541
151.6	8.411	167	8.542
152	3.661 (b)	168	8.543
153 par. 1	8.360	168.1	8.544
par. 2-9	8.361	168.1.1	8.545
par. 10	Deleted	168.1.2	8.546
par. 11	8.363	168.1.3	8.547
153.1	8.362	168.1.4	8.548
154 par. 1-3	8.341	168.1.5	8.549
par. 4	8.342	168.1.5.1	8.550
155	8.343	168.1.5.2	8.550
155.1	8.344	168.1.6	8.551
156 par. 1	8.350 (a)	168.1.7	8.552
par. 2	8.350 (b)	168.1.8	8.553
par. 3	8.350 (c)	168.1.9	8.554
156.1	8.351	168.1.10	8.555
156.2 par. 1	8.350 (d)	168.1.11	8.556
par. 2	8.350 (e)	168.1.12	8.557
156.3	8.350 (f)	168.1.13-168.1.18	Deleted
157	8.311	168.2	8.561
158	8.500	169	8.565
158.1	8.501	170	8.566
158.2	8.502	171	8.567
158.3	8.503	171.1	8.568
158.4	8.504	171.1.1	8.569
158.5	8.507	171.1.2	8.570

Disposition of Former Sections

<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>
171.1.3	8.571	174	9.103
171.1.4	8.572	175	9.104
171.1.5	8.573	176	9.105
171.1.5.1	8.574	177	9.106
171.1.6	8.575	178	9.107
171.1.7	8.576	179	9.108
171.1.8	8.577	180	9.109
171.1.9	8.578	181	9.110
171.1.9.1	8.562	182	9.111
171.1.10	8.579	183	9.112
171.1.11	8.580	184	9.113
171.1.12	8.581	185	9.114
171.1.13-171.1.15	Deleted	186	9.115
172	8.515	187-218	Superseded by state statutes
172.1	8.420	219	8.410
172.1.1	3.680	220	7.702
172.1.2	8.421	221	10.100 (e)
172.1.3	8.422	222 par. 1	8.105 (a)
172.1.4	8.423	par. 2	8.105 (b)
172.1.5	8.424	par. 3	8.105 (c)
172.1.6	8.425	par. 4	8.105 (d)
172.1.7	8.426	222.1 par. 1	8.105 (e)
172.1.8	3.681	par. 2	8.105 (f)
172.1.9	3.682	par. 3	8.105 (g)
172.1.10	8.427	par. 4	8.105 (h)
172.1.11	8.428	par. 5	8.105 (i)
172.1.12	8.429	223	8.106
172.1.13	8.430	224	10.100 (g)
172.1.14	8.431	225	10.101
172.1.15	8.432	226	10.102
173	9.102		

TABLE II
ORIGIN OF SECTIONS OF THE
1971 (RECODIFIED) EDITION OF THE 1932 CHARTER
AS AMENDED

<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>
1.100	1	3.500	19, par. 2(a-i)
1.101	2 par. 1, 5		19 par. 3
1.102	3		22 par. 1, 2
2.100	10 par. 1	3.501	20
2.101	9 par. 1, 3	3.510	24 par. 2
	19 par. 1		61 par. 1-5
2.102	9 par. 4		61, par. 7-11
2.200	10 par. 2, 3		106 par. 12-16
2.201	10.1		107 par. 1, 3
2.202	10 par. 2		107.1 par. 2
2.203	12		
2.300	13 par. 1, 7	3.520	115 par. 1
	13.1	3.521	115 par. 1, 2
	15		par. 4
2.301	16	3.522	116 par. 1
2.302	14 par. 1, 2	3.523	116 par. 1
	par. 4, 5	3.524	116 par. 2-4
2.303	14 par. 3	3.525	116 par. 5
2.304	16	3.526	116 par. 6
2.305	15	3.527	116.1
2.306	17		118
2.307	23 par. 2	3.528	116 par. 8
2.400	21	3.529	116 par. 7
2.401	22 par. 1, 2	3.530	35 par. 1
3.100	25, 49	3.531	35.5 par. 1
3.101	22 par. 1	3.532	35.1
3.200	59	3.533	35.4
3.201	60	3.534	35.3
3.300	63 par. 1	3.535	35.9
3.301	64 par. 1-4	3.536	35.10
3.302	65	3.537	24 par. 2
3.303	66		35.6
3.304	67		35.7
3.305	68		35.12
3.400	28	3.538	35 par. 1-3
3.401	26, 26.1	3.539	35.8
	29, 30		35.8.1
3.402	33	3.540	36 par. 1, 3
3.403	32	3.541	36 par. 2
3.404	31	3.542	36 par. 4-6
3.405	34		38.01, par. 1
3.406	34.1 par. 1, 3	3.543	36.1½
(b)	34.1 par. 2	3.544	37
(c)		3.545	38

Origin of Sections

<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>
3.546	38.3	3.644	52 par. 6
3.547	36 par. 10	3.650	39 par. 1
3.550	40 par. 1, 2	3.651	39 par. 2
3.551	41 par. 1, 2		117.3 par. 3
3.552	42 par. 1-4	3.660	140 par. 1-5
	42.1 par. 1, 2	3.661	141
3.553	42.1 par. 3	(b)	152
3.560	43 par. 1, 2	3.670	159 par. 1
3.561	43 par. 3	3.671	159 par. 2
3.570	61.1 par. 1-5	3.672	159 par. 1
3.571	61.1 par. 6	3.680	172.1.1
3.572	61.1 par. 9	3.681	172.1.8
3.573	61.1 par. 7	3.682	172.1.9
3.580	48.2 par. 5	3.690	137
3.581	48.3 par. 1-18		139.1
	par. 23, 24	3.691	137.1
3.582	48.2 par. 1	par. 2	137.3
	par. 3, 4	3.692	137.4 par. 2
3.583	48.4 par. 1-3	3.693, par. 2 & 3	137.5
3.584	48.4 par. 5	3.694	137.7
3.585	48.3 par. 25	3.698	137.4 par. 1
3.590	120	3.700	18
3.591	121 par. 1-7	3.701	21
3.592	122	4.100	53
3.593	124	4.101	54
3.594	126	4.102	55
3.595 (a)	133	4.103	56
(c)	132.1	4.104	57
3.596	64 par. 3	4.105	58 par. 1-9
3.597	121 par. 8		58 par. 11
3.598	130	5.100	134
3.599	119	5.101	135
3.600	45	5.102	136
3.601	46	5.103	135.1
3.610	44 par. 1	5.104	136.1
3.611	44 par. 2	6.100	60 par. 1
3.620	50 par. 1	6.200	69 par. 2-6
3.621	50 par. 2	6.201	70
3.622	50 par. 2	6.202	69.1
3.623	50 par. 2	6.203	69 par. 7
3.624	50 par. 4		72 par. 1, 2
3.630	51 par. 1	6.204	72 par. 2
3.631	51 par. 2, 3		72 par. 3-8
3.632	51 par. 3	6.205	72 par. 9-13
3.633	51 par. 3		74
3.634	51 par. 3	6.206	72 par. 14
3.640	52 par. 1	6.207	73
3.641	52 par. 2	6.208	78 par. 1
3.642	52 par. 2	6.300	72 par. 16
3.643	52 par. 3	6.301	72 par. 15

Origin of Sections

<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>		<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>
6.302 -----	76		7.300 -----	101
	86	par. 2, 4	7.301 -----	102
6.303 -----	85	par. 1	7.302 -----	103
		par. 3-6	7.303 -----	105
6.304 -----	81		7.304 -----	69.2
6.305 -----	77		7.305 -----	48.3
6.306 -----	80		7.306 -----	139
	86	par. 1	7.307 -----	101.2
6.307 -----	79		7.400 -----	91, 94
6.308 -----	75		7.401 -----	92
6.309 -----	84		7.402 -----	93
6.310 -----	83			93.1
6.311 -----	82		7.403 (a) -----	41.1
6.312 -----	86	par. 5	(b) -----	42.2
6.313 -----	86	par. 3	(c) -----	42.3
6.400 (a) -----	78	par. 3	7.404 -----	123
(b) -----	42.4		7.405 -----	137.2
(c) -----	78	par. 2	7.500 -----	24
6.401 (a) -----	104		7.501 -----	117.1
(b) -----	48.2	par. 2	7.502 -----	117.2
(c) -----	121	par. 8	7.503 -----	117.3
6.402 -----	24	par. 2	7.600 -----	107
6.403 -----	24	par. 4	7.601 -----	108
6.404 (a) -----	44	par. 3	7.602 -----	109
(b) -----	50	par. 3	7.603 -----	110
(c) -----	51	par. 3	7.604 -----	112
(d) -----	52	par. 4	7.605 -----	113
6.405 -----	145.1	par. 2	7.606 -----	114
6.406 -----	48.4	par. 6-15	7.700 -----	27
6.407 (a) -----	127		7.702 -----	220
(c) -----	128		7.703 -----	87
(d) -----	128.1			92.1
(e) -----	129		7.704 -----	24
6.408 -----	138		7.707 -----	24
	138.1		8.100 -----	7
6.409 -----	92	par. 2	8.101 -----	8
	111		8.102 -----	6
6.411 -----	52.1		8.103 -----	142
6.412 -----	24.1		8.104 -----	6
7.100 -----	88		8.105 (a) -----	222
7.101 -----	88.1		(b) -----	222
7.102 -----	88.2		(c) -----	222
7.103 -----	89		(d) -----	222
7.104 -----	90		(e) -----	222.1
7.200 -----	95		(f) -----	221.1
7.201 -----	95.1		(g) -----	222.1
7.202 -----	96		(h) -----	222.1
7.203 -----	97		(i) -----	222.1
7.204 -----	98		8.106 -----	223
7.205 -----	99		8.107 -----	11
7.206 -----	100		8.200 -----	143

Origin of Sections

<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>
8.300	52 par. 5	8.361	153, par. 2-9
	61 par. 8, 11	8.362	153.1
(a)	43 par. 4	8.363	153, par. 11
	50 par. 2	8.400	150
	51 par. 3	(a)	151 par. 1
	58 par. 10	(b)	85 par. 2
	61.1 par. 8		85.1
	62	(h)	71
	142 par. 1-7	8.401	151 par. 2
(a), par. 2	125 par. 1		151, par. 3-10
(c)	48.4 par. 4		151.1
(d)	52 par. 5		151.2
(e)	125.1	8.402	151 par. 2
(f)	125 par. 1	8.403	151.3, par. 1, 2
(h)	137.6		151.3, par. 14, 15
8.310	145.02	8.404	151.3.1
(a)	140 par. 1	8.405	36 par. 7, 11
8.311	157	(a)	35.5 par. 2
8.320 (a)	144		35.5.1
(b)	145 par. 2		35.11
(c)	145 par. 3	(b)	35.5.2
(d)	144	(c)	36.2
8.321	145 par. 1, 4		36.3 par. 4
8.322	147.1 par. 1		38.01, par. 10
8.323	147.1 par. 2	(d)	36.3 par. 1
8.324	145 par. 6	8.406	70.1, par. 1-19
	145.01		par. 21
8.325	147	8.410	219
8.326	146 par. 1	8.411	151.6
8.327	38.01, par. 2-9	8.420	172.1
	146 par. 1	8.421	172.1.2
	146, par. 2-end	8.422	172.1.3
8.328	146.1	8.423	172.1.4
8.329	148 par. 1, 2	8.424	172.1.5
8.330	145 par. 5	9.425	172.1.6
8.331	145.1 par. 1-4	8.426	172.1.7
8.332	149 par. 1-4	8.427	172.1.9
8.333	149 par. 5	8.428	172.1.11
8.340	148 par. 3	8.429	172.1.12
8.341	154 par. 1-3	8.430	172.1.13
8.342	154 par. 4	8.431	172.1.14
8.343	155	8.432	172.1.15
8.344	155.1	8.440	151.4
8.350 (a)	156 par. 1		151.4.1
(b)	156 par. 2		151.4.2
(c)	156 par. 3		151.4.3
(d)	156.2 par. 1		151.4.4
(e)	156.2 par. 2		151.4.5
(f)	156.3		151.4.6
8.351	156.1		151.5 par. 1, 2
8.360	153 par. 1	8.450	125 par. 4

Origin of Sections

<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>	<i>Recodified Charter Section</i>	<i>1932 Charter Section</i>
8.451	35.5½	8.562	171.1.9.1
8.452	36 par. 8, 9	8.565	169
8.500	158	8.566	170
8.501	158.1	8.567	171
8.502	158.2	8.568	171.1
8.503	158.3	8.569	171.1.1
8.504	158.4	8.570	171.1.2
8.507	158.5	8.571	171.1.3
	165	8.572	171.1.4
8.508	165.1	8.573	171.1.5
8.509	165.2	8.574	171.1.5.1
8.510	160	8.575	171.1.6
8.511	163	8.576	171.1.7
8.512	165.3	8.577	171.1.8
8.513	165.4	8.578	171.1.9
8.514	165.6	8.579	171.1.10
8.515	172	8.580	171.1.11
8.520 (a)	161	8.581	171.1.12
(b)	161.1	9.100	5 par. 1
(c)	161.2	9.101	5.1
(d)	161.3	9.102	173
(e)	161.5	9.103	174
8.525	164	9.104	175
8.526	164.1	9.105	176
8.530	165.1.1	9.106	177
8.531	165.1.2	9.107	178
8.532	165.1.4	9.108	179
8.533	165.1.5	9.109	180
8.534	165.2.1	9.110	181
8.540	166	9.111	182
8.541	166.1	9.112	183
8.542	167	9.113	184
8.543	168	9.114	185
8.544	168.1	9.115	186
8.545	168.1.1	10.100 (e)	221
8.546	168.1.2	(f)	13 par. 6
8.547	168.1.3	(g)	224
8.548	168.1.4	10.101	225
8.549	168.1.5	10.102	226
8.550	168.1.5.1	10.103	4
	168.1.5.2	11.100	2 par. 2
8.551	168.1.6	11.101	2 par. 3
8.552	168.1.7	11.102	2 par. 4
8.553	168.1.8		23 par. 1
8.554	168.1.9		61 par. 4
8.555	168.1.10		61 par. 5
8.556	168.1.11		61 par. 6
8.557	168.1.12		61 par. 8
8.560	162		61.1 par. 7
8.561	168.2		

ARTICLE I

THE EXISTENCE AND POWERS OF THE CITY AND COUNTY

1.100 Name and Boundaries of the City and County

The City and County of San Francisco shall continue as a municipal corporation known by name as San Francisco. The boundaries of the municipal corporation are those set forth in the Government Code of California and as such may be extended as provided by law.

1.101 Rights and Powers of the City and County

The City and County of San Francisco shall have perpetual succession; may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter same at pleasure; may, subject to the restrictions contained in this charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

The city and county may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees, and shall have all rights and powers appropriate to a county, a city, and a city and county, subject only to the restrictions and limitations provided in this charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries of the city and county, and maintenance and operation of the same, and the exercise of functions or maintenance of services outside the boundaries of the city and county, including the expenditure of funds therefor through any agency. The specification or enumeration in this charter of particular powers shall not be exclusive. The exercise of all rights and powers of the city and county when not prescribed in this charter shall be as provided by ordinance or resolution of the board of supervisors.

1.102 Use of State Law Procedures

Where a procedure for the exercising of any rights or powers belonging to a city, or a county, or a city and county is provided by statute of the State of California, said procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of, this charter.

1.103 – 2.101

1.103 Officers of the City and County

The officers of the city and county shall be the officers elected by vote of the people, members of the board of education, members of boards and commissions appointed by the mayor, members of the juvenile probation and adult probation boards or committees, members of the board of law library trustees, the superintendent of schools, the clerk of the municipal court, the secretary and jury commissioner of the superior court, the executive appointed by each board or commission as the chief executive officer under such board or commission, the controller, the chief administrative officer, the head of each department under the chief administrative officer and the coroner, public administrator, county clerk, tax and license collector, recorder, registrar of voters, horticultural commissioner, sealer of weights and measures, and such other officers as may hereafter be provided by law or so designated by ordinance.

ARTICLE II

THE LEGISLATIVE BRANCH

Chapter One: Composition and Powers of Board of Supervisors

2.100 Composition and Salary

The board of supervisors shall consist of eleven members elected at large. Each member of the board shall be paid a salary of ninety-six hundred dollars (\$9,600) per year and each shall execute an official bond to the city and county in the sum of five thousand dollars (\$5,000).

2.101 Powers

The powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions by this charter, shall be vested in the board of supervisors and shall be exercised as provided in this charter.

The exercise of all rights and powers of the city and county when not prescribed in this charter shall be as provided by ordinance or resolution of the board of supervisors.

The supervisors shall determine the maximum number of each class of employment in each of the various departments and offices of the city and county and shall fix rates and schedules of compensation therefor in the manner provided in this charter.

2.101 – 2.201

On the recommendation of the mayor and the chief administrative officer, the board of supervisors may create or abolish departments which are now or may hereafter be placed under the chief administrative officer or under commissions appointed by the mayor.

The board of supervisors may, by ordinance, confer on any officer, board or commission such other and additional powers as the board may deem advisable.

The board of supervisors, by ordinance, may provide medical care, hospitalization, compensation and such other benefits as the board may deem necessary for regularly authorized volunteer civilian defense workers suffering injury arising out of and in the course of their activities as such civilian defense workers.

The board of supervisors shall have the powers and duties provided in section 3.500.

2.102 Powers in Time of Disaster

To provide for the continuance or restoration of local government in the event of a disaster which renders unavailable a majority of its members, the board of supervisors shall have those powers that are conferred by the general law of the State of California pertaining to the preservation of local government, notwithstanding anything to the contrary contained in this charter.

Chapter Two: Organization

2.200 Meetings

At twelve o'clock noon on the 8th day of January next following their election, the newly elected and continuing members of the board of supervisors shall meet at the legislative chamber in the City Hall, and thereafter regular meetings shall be held as fixed by resolution.

The meetings of the board shall be held in the City Hall, provided that, in case of emergency, the board, by resolution, may designate some other appropriate place as its temporary meeting place.

Notice of any special meeting shall be published at least twenty-four hours in advance of such special meeting.

2.201 Calendars

A written calendar of the business scheduled for each meeting of the board of supervisors or any standing or special committee comprised of board members and established by the board shall be prepared and available to the public before each meeting.

Summaries of board and committee calendar items of general public interest, as determined by the clerk of the board, and a statement

2.201 – 2.203.1

of where and when copies of proposed ordinances and resolutions may be obtained, shall be published commencing at least thirty-six hours before the commencement time of each regular meeting and at least eighteen hours before the commencement time of each special meeting. The board may also provide for additional publicity whenever it determines the public interest would be served.

2.202 President and Committees of the Board

The supervisors constituting the new board shall, on January 8, 1932, and every second year thereafter, elect one of their number as president of the board for a two-year term. The president shall preside at all meetings, shall appoint all standing and special committees of the board and shall have such other powers and duties as the supervisors may provide.

2.203 Clerk of the Board

Subject to the civil service provisions of this charter the board of supervisors shall appoint a clerk, who shall be designated as clerk of the board of supervisors. The clerk shall, ex-officio, be clerk of the board of equalization. The clerk shall have charge of the office and records of the board and its committees, and the personnel employed to handle the business, affairs and operation of the board, its committees and members when engaged in official duty. The clerk shall be the appointing officer for such personnel, subject to the civil service provisions of this charter. The clerk shall keep a journal of proceedings of the board and files of all ordinances and resolutions and properly index the same. He shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the board for which publication is specified. He shall have such other duties and responsibilities as the board shall prescribe.

2.203-1 Budget Analyst

Notwithstanding any other provisions or limitations of this charter, there shall be a budget analyst for the board of supervisors, who shall be appointed and removed by the board. Such appointment shall be made solely upon the basis of qualifications by education, training and experience for the position to be filled. He shall be responsible for such duties and responsibilities as the board shall prescribe. (*Added 1972*)

Chapter Three: Legislation

2.300 Action by Resolution or Ordinance

Action by the board of supervisors shall be by ordinance or resolution in writing introduced by a member or by a committee of said board and passed or adopted by a majority of all the members of the board at each reading. Every legislative act shall be by ordinance. The enacting clause of all ordinances shall be, "Be it ordained by the people of the City and County of San Francisco." Every ordinance and resolution, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title, and ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.

If any subject is embraced in an ordinance and is not expressed in the title thereof, the ordinance shall be void only as to so much thereof as is not expressed in the title. Any ordinance may be amended by an ordinance amending or repealing the particular sections thereof or adding sections thereto.

An ordinance shall be passed by the board of supervisors only after reference to and report thereon from committee, unless it be an ordinance prepared and reported out by committee, and after two readings and votes at separate meetings of the board, which meetings shall be at least five days apart; provided, however, that as to an emergency measure as defined in section 2.301, reference to committee or the readings and votes at separate meetings may be waived by a three-fourths vote of all members of the board. The existing or impending emergency as defined in such ordinance shall be declared by specific section in such emergency ordinance. The annual appropriation ordinance shall be passed only after two readings, not less than five days apart, and the second or final passage shall be not less than fifteen days after the introduction of each ordinance.

No ordinance granting a franchise shall be finally passed within ninety days of its introduction.

No resolution shall be adopted by the board of supervisors on the date of its introduction and without reference to committee, except by the unanimous consent of the supervisors present.

Except as otherwise provided in this charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within three days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the clerk of the board.

Each ordinance required to be included in the municipal code shall be printed promptly after final passage, and copies shall be made available to the public.

2.300 – 2.302

The vote on all ordinances and resolutions upon each reading shall be by ayes and noes. The vote by ayes and noes on all measures shall be recorded in the journal of the proceedings of the board.

To amend an ordinance which has proceeded to second reading shall require proceeding de novo.

Any ordinance or resolution waiving, or authorizing the waiving, by the city and county of the benefit of any statute of limitation of a state, or of the United States, available to the city and county in any action or proceedings against it shall require for its passage a three-fourths vote of all members of the board of supervisors on each reading.

2.301 Emergency Ordinances

No ordinance affecting franchises, grants, bond issues or the sale, lease or purchase of land shall ever be passed as an emergency measure, and the people by initiative or referendum ordinance may further restrict the matters that may be passed as emergency measures. Immediate necessary preservation of public peace, property, health or safety, provision for the uninterrupted operation of any city and county department or office or action required to comply with time limitations as established by law, shall be emergencies within the meaning hereof; provided, however, that such emergency shall actually exist and shall be specifically stated and defined in such ordinance, and shall be specifically voted on as provided in section 2.300 of this charter.

2.302 Action by the Mayor

Each proposed resolution or ordinance voted on by the supervisors and failing of passage and each ordinance or resolution adopted by the supervisors shall, within twenty-four hours of such action, be transmitted to the mayor by the clerk of the board, with appropriate notation of the action of the board thereon. Any resolution acted upon by the board of supervisors by unanimous consent of those present on the date of the introduction of such resolution and any ordinance adopted by the board as an emergency measure shall be acted upon by the mayor within three days after receipt thereof by him from the clerk of the board. All other ordinances or resolutions shall be acted upon by the mayor within ten days of such receipt.

The mayor shall either approve each resolution or ordinance adopted by the supervisors by signing and returning same to the clerk of the board within the time limit, or he shall disapprove and veto any resolution or ordinance, or veto or reduce any separate appropriation item therein and shall return each such resolution or ordinance to the clerk of the board with his written objections within the

2.302 – 2.303

time limit. His failure to make such return shall constitute approval and such ordinance or resolution shall take effect without the mayor's signed approval. The clerk of the board shall note such fact on the official copy of such resolution or ordinance. If any separate appropriation item in any resolution or ordinance is vetoed or reduced by the mayor as herein provided the remainder of any such ordinance or resolution may be approved by the mayor and, if not specifically approved by the mayor, shall take effect without such approval and shall be so noted by the clerk of the board.

In the event of any absence of the mayor for which he or the board of supervisors has failed to designate an acting mayor, no resolution or ordinance adopted by the board of supervisors shall take effect by reason of the failure of the mayor to approve, or disapprove, and return such resolution or ordinance within the time limits applicable thereto, and, in such case, the time periods or limitations as fixed by this section shall not start until an acting mayor is appointed by the mayor or elected by the supervisors, as in this charter provided, or the return of the mayor.

Any proposed resolution or ordinance voted on by the board of supervisors and failing of passage shall be reconsidered by the board on the written request of the mayor, stating his reasons therefor, filed with the clerk of the board by the mayor within ten days of the board's action on such resolution or ordinance. The board shall reconsider such measure at its convenience, but not later than thirty days after the filing of the mayor's request therefor.

2.303 Enactment over Veto

The board of supervisors may reconsider any resolution or ordinance vetoed or disapproved, or any separate appropriation item vetoed or reduced by the mayor, and if, after such reconsideration, two-thirds of all the members of the board shall vote in favor of passage thereof, it shall become effective notwithstanding the mayor's veto. If a larger vote is required for the adoption of a measure by the provisions of this charter, such larger vote shall be required to overcome the veto of the mayor. The vote of reconsideration of each such vetoed resolution, ordinance or separate appropriation item therein shall be taken at the convenience of the board. If the ordinance, resolution or separate appropriation item is not passed over the mayor's veto within thirty days, the measure or item shall be lost.

2.304 - 2.306

2.304 Effective Date; Final Enactment or Adoption

No ordinance which is subject to the referendum provisions of this charter shall become effective until thirty days after its passage. Ordinances granting any public utility franchise or privilege shall not become effective until sixty days after their passage. Ordinances enacted by a three-fourths vote of all members of the board as an emergency measure as defined in section 2.301 and all other ordinances not subject to the referendum provisions of this charter, shall become effective upon passage.

2.305 Notice of Enactment or Adoption; Certification

All ordinances, after final passage or upon their becoming effective shall be certified by the clerk of the board and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in like manner. Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted, together with a statement of where copies may be obtained, shall be published once within five days of such passage for second reading, final passage or adoption.

2.306 Codification of Ordinances; Printing of Charter

Ordinances previously adopted and continuing in force may be codified or recodified or rearranged by ordinance. Any such ordinance shall supersede and repeal all general ordinances in effect prior thereto and shall be construed to be confined to a single subject.

Any such ordinance shall require printing only in bound or loose leaf book form, which shall constitute publication for all purposes. Any such printing shall contain certificates of the mayor, the clerk of the board of supervisors and the city attorney of the correctness of such codification and printing.

Any such ordinance shall be amended by an ordinance amending or repealing the particular sections thereof or adding sections thereto. For the purposes of any codification or recodification and the validity thereof, the procedure, effect, adoption or enactment and publication of any prior codification, including the enacting ordinance, amendments thereto, the contents of any such code, the certification and publication thereof and all other proceedings and matters in respect thereto, shall be deemed to be valid.

With any printing of the charter, there shall be included initiative ordinances and digests of reported court decisions relating to said charter and ordinances.

The board of supervisors shall have power to enforce by appropriate legislation the provisions of this section.

2.307 – 2.401

2.307 Administrative Code

The board of supervisors may enact and provide for printing of an administrative code, which shall specify or detail the powers, duties, methods and procedure in the several departments and offices.

Chapter Four: Relationship with the Executive Branch

2.400 Hearings and Inquiries

The board of supervisors may require such periodic or special reports of departmental costs, operation and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the city and county, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. It shall be the duty of the chief of police to designate a police officer to serve subpoenas. Any person refusing to obey such subpoena and the other requirements hereof, or to produce such books, shall be deemed in contempt and subject to proceedings and penalties as provided by general law in such instances.

2.401 Non-Interference in Administrative Affairs

Except for the purpose of inquiry, the board of supervisors shall deal with the administrative service for which the chief administrative officer is responsible, solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible, solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned.

Neither the board of supervisors, nor its committees, nor any of its members shall dictate, suggest or interfere with appointments, promotions, compensations, disciplinary actions, contracts, requisitions for purchases or other administrative recommendations or actions of the chief administrative officer, or of department heads under the chief administrative officer, or under the respective boards and commissions. The board of supervisors shall deal with administrative matters only in the manner provided by this charter, and any dictation, suggestion or interference herein prohibited on the part of any supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this charter.

ARTICLE III

THE EXECUTIVE BRANCH

Chapter One: Mayor

3.100 Functions, Powers and Duties

The mayor shall be the chief executive officer of the city and county upon whom process issued by authority of law shall be served. He shall be an elective officer and his compensation shall be fixed in accordance with the salary standardization provisions of this charter.

He shall furnish an official bond in the sum of twenty-five thousand dollars (\$25,000).

He shall appoint, and at his pleasure may remove, an executive secretary and one confidential secretary, and one stenographer. The board of supervisors may annually appropriate additional sums to be expended by the mayor for purposes and duties incidental to the administration of the office of mayor, which shall be subject to the provisions of this charter relative to appropriations and the payment of claims.

He shall, at the first meeting of the board of supervisors in October of each year, communicate by message to the supervisors a general statement of the condition of the affairs of the city and county, and recommend the adoption of such measures as he may deem expedient and proper.

The mayor shall be responsible for the enforcement of all laws relating to the municipality and for the review and submission of the annual executive budget; he shall supervise the administration of all departments under boards and commissions appointed by him; he shall receive and examine, without delay, all complaints relating to the administration of the affairs of the city and county, and immediately inform the complainant of findings and actions thereon; and he shall co-ordinate and enforce co-operation between all departments of the city and county. The mayor shall have the power to postpone final action on any franchise that may be passed by the supervisors until such proposed franchise shall have been voted on at the next election.

The mayor shall appoint such members of boards or commissions and other officers as provided by this charter.

He shall appoint for the unexpired term of the office vacated, a qualified person to fill any vacancy occurring in any elective office.

The mayor shall have a seat but no vote in the board of supervisors and in any board of commission appointed by him, with the right to

3.100 – 3.101

report on or discuss any matter before such board or commission concerning the departments or affairs in his charge. He shall have power to designate a member of the board of supervisors to act as mayor in his absence. Should he fail, neglect or refuse so to do, the supervisors shall elect one of their number to act as mayor during his absence. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired portion of the term by the supervisors. In case of a disaster which causes the mayor to be absent or unavailable and the supervisors for any reason whatsoever are unable to elect one of their number to act as mayor or to fill any vacancy that might occur in the office of mayor, the following persons shall act as mayor in the order of succession hereinafter designated: (1) president of the board of supervisors, (2) chairman of the finance committee of the board of supervisors, (3) senior member of the board of supervisors, who is that member having the greatest number of years of service as a member of the board, and in the event that one or more members have equal seniority then by alphabetical order of surname among such members, and (4) chief administrative officer. Said person so designated shall act as mayor during such period of absence or unavailability of the mayor until such time as the supervisors can take appropriate action either to elect an acting mayor or to fill the vacancy as the case may be. Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall have a seat in the board of supervisors and may participate in its debates, but shall not be entitled to a vote or to compensation.

In case of public emergency involving or threatening the lives, property or welfare of the citizens, or the property of the city and county, the mayor shall have the power, and it shall be his duty, to summon, organize and direct the forces of any department in the city and county in any needed service; to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he may deem necessary for the purpose of meeting the emergency. The mayor may make such studies and surveys as he may deem advisable in anticipation of any such emergency.

3.101 Non-Interference in Administrative Affairs

Except for the purpose of inquiry, the mayor shall deal with the administrative service for which the chief administrative officer is responsible, solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible, solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned.

Chapter Two: Chief Administrative Officer

3.200 Appointment; Qualifications

The mayor shall appoint a qualified person as chief administrative officer, subject to confirmation and approval by the board of supervisors. The appointee shall have been a resident of the State of California for at least five years immediately preceding his appointment. The requisite qualifications of such appointee shall be administrative and executive ability and experience for the position to be filled.

He shall be subject to suspension and removal in the same manner as elective officers. He shall also be subject to removal by a vote of not less than two-thirds of the board of supervisors, on the basis of written charges, and, if he so request, only after a public hearing on such charges before the board of supervisors not less than five days nor more than fifteen days after the filing thereof, and prior to the date on which the supervisors shall vote on the question of his removal, but on the filing of written charges, and pending and during such hearing, the supervisors, by majority vote, may suspend him from office. The written charges and any reply thereto by the chief administrative officer shall be entered at length in the journal of the board of supervisors. The action of the board of supervisors in removing the chief administrative officer shall be final.

3.201 Functions, Powers and Duties

The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter and by ordinance, and to that end he shall have power and it shall be his duty to exercise supervision and control over all administrative departments which are under his jurisdiction; to appoint the heads of departments under his control and the members of advisory and other boards provided by this charter or by ordinance to be appointed by the chief administrative officer; to prescribe general rules and regulations for the administrative service under his control; to have a voice but no vote in the board of supervisors, with the right to report on or to discuss any matter before the said board concerning the affairs of the departments in his charge; to make such recommendations and propose such measures to the mayor, the board of supervisors, or committees thereof, concerning the affairs of the city and county in his charge as he may deem necessary; to coordinate the functioning of the several departments of the city and county charged with powers and duties relating to control of traffic; and to provide for the budgeting and control of publicity and advertising expenditures of the city and county.

3.201 – 3.301

The chief administrative officer may designate an officer or an employee in any department under his jurisdiction to exercise the powers and perform the duties of any county office not specifically designated by this charter.

The chief administrative officer may designate the recorder to exercise the powers and perform the duties of the registrar of voters and to occupy the offices of registrar of voters and recorder, receiving a single salary therefor to be fixed in accordance with the salary standardization provisions of this charter.

Chapter Three. Controller

3.300 Appointment; Qualifications

There shall be a controller, who shall be appointed by the mayor, subject to confirmation and approval by the board of supervisors. Such appointment shall be made solely on the basis of qualifications by training and experience for the position to be filled. He may be removed by the supervisors by a two-thirds vote.

3.301 General Powers and Duties

The controller shall have the powers and duties of a county auditor, except as in this charter otherwise provided. He shall be the auditor and chief accounting officer of the city and county, and shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the city and county charged in any manner with the receipt, collection or disbursement of city and county funds or of other funds, in their capacity as city and county officials or employees. He shall have the power and duty of prescribing the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by, the several officers, boards and employees of the city.

The controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the city and county. Such accounts and the accounting procedure shall be adequate to record (a) all budgeted revenues and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom, and the balances therein; (b) all revenues accrued and liabilities incurred; (c) all cash receipts and disbursements; and (d), in general, all transactions affecting the acquisition, custody or disposition of values.

It shall be the duty of the controller to determine, where practicable, the unit cost of work done by the city and county for

3.301 – 3.303

the purpose of determining whether similar work could be done under public contract at a lower cost. The controller shall devise adequate systems of internal check of all departments and offices of the city and county relative to the custody, collection or disbursements of moneys.

3.302 Controller's Reports

The controller shall annually make a complete financial report which shall be audited and distributed as provided in section 3.305 of this charter. The controller shall also make a quarterly report not later than the 25th day of the month succeeding the last preceding quarter, showing a summary statement of revenues and expenditures for the preceding quarter and for that portion of the fiscal year ending on the last day of such preceding quarter. Such statement shall include all general and funding accounts and shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds, in such manner as to show the financial conditions of the city and county and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding quarter, and with comparative figures for the similar period in the preceding fiscal year. The controller shall at the same time prepare statements showing at the end of each quarter the cash position of the city and county (and the unencumbered balance in each fund). He shall also prepare quarterly for each of the several funds a summary of the resources available and estimated to be collectible, obligations authorized and estimated to be expendable, and surplus in such a manner as to show the estimated cash position of each fund at the end of the fiscal year. He shall also prepare monthly and transmit to all department heads concerned, reports showing the allowances, expenditures, encumbrances and unencumbered balances of each revenue and expenditure appropriation. A copy of each such quarterly report and special fiscal reports as requested, shall be transmitted to the mayor, the board of supervisors, the chief administrative officer, and kept on file in the controller's office.

3.303 Audits

The controller shall audit the accounts of all boards, officers and employees of the city and county charged in any manner with the custody, collection, or disbursement of funds. The controller shall audit monthly all accounts of money coming into the hands of the treasurer. He shall make an audit monthly of each departmental revolving fund authorized by this charter or by the board of supervisors.

When requested by the mayor, the board of supervisors, the chief

3.303 – 3.401

administrative officer, or any board or commission for its own department, he shall audit the accounts of any officer or department, and on the death, resignation, removal, expiration of term or retirement of the head of any department or office, or any officer or employee charged with the receipt, collection or disbursement of money, shall make an audit of the accounts of such department, officer or employee.

3.304 Custody and Examination of Bonds

The controller shall be the custodian of all official bonds excepting the bond of the controller, which shall be in the custody of the mayor. The controller must at least once in every six months examine all official bonds and investigate the sufficiency and solvency of the sureties thereon, and forthwith report in writing the facts to the mayor. Upon receipt of such report, the mayor shall take such action as shall be necessary to protect the city and county, and may require new bonds and may suspend any officer or employee until a sufficient bond is filed and approved. The mayor shall make similar periodic examination of the controller's bond.

3.305 Audit of Controller's Books

The board of supervisors shall order an annual audit of the controller's books of accounts, records and transactions, to be made by one or more certified public accountants. The report of such auditor or auditors for the fiscal year shall be printed and a copy thereof furnished to the mayor, each member of the board of supervisors, the chief administrative officer, and the controller, and to such citizens as may apply therefor.

Chapter Four: Other Elected Officials

3.400 Assessor

The assessor shall be an elective officer. He shall furnish an official bond in the sum of fifty thousand dollars (\$50,000). He shall appoint, and at his pleasure may remove, one chief assistant or deputy and one confidential secretary.

3.401 City Attorney

(a) The city attorney shall be an elective officer. He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He shall appoint, and at his pleasure may remove, all assistants and employees of his office. He shall devote his entire time and attention to the duties of his office. He must, at the time of his election, be an elector of the city and county; qualified to practice in all the courts

3.401 – 3.402

of the state, and he must have been so qualified for at least ten years next preceding his election.

The city attorney must represent the city and county in all actions and proceedings in which it may be legally interested, or, for or against the city and county, or, any officer of the city and county in any action or proceeding, when directed so to do by the supervisors, except where a cause of action exists in favor of the city and county against said officer. Whenever any cause of action exists in favor of the city and county, the city attorney shall commence the same when within his knowledge or when directed so to do by the supervisors. He shall give his advice or opinion in writing to any officer, board or commission of the city and county when requested. Except as otherwise provided in this charter, he shall not settle or dismiss any litigation for or against the city and county, unless, upon his written recommendation, he is ordered so to do by ordinance.

The city attorney shall prepare, or approve as to form, all ordinances before they are enacted by the supervisors. He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter or by ordinance before the same are submitted to the proper commission, board or office for final approval, and no such bonds shall be finally approved without such approval as to form by the city attorney. Except as otherwise in this charter provided, he shall prepare in writing the draft or form of all contracts before the same are executed on behalf of the city and county. He shall examine and approve the title of all real property to be acquired by the city and county.

He shall keep on file in his office copies of all written communications and opinions, also all papers, briefs and transcripts used in matters wherein he appears; and books of record and registers of all actions or proceedings in his charge in which the city and county or any officer or board thereof, is a party or is interested.

(b) The duties of the city attorney in connection with the bureau of delinquent revenue collection shall be transferred to and performed by the attorney for said bureau who shall be subject to the civil service provisions of this charter.

3.402 District Attorney

(a) The district attorney shall be an elective officer. He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He must, at the time of his election, be qualified to practice in all the courts of this state and must have been so qualified for at least five years next preceding his election. He shall appoint, and at his pleasure may remove, all assistants and employees in his office.

The district attorney, either in person or by his assistants, shall prosecute all criminal cases in the municipal and superior courts, draw all complaints, and issue warrants for the arrest of persons charged with crime who are to be prosecuted in such courts.

Any amount required by the district attorney from time to time from the district attorney's special fund shall be requisitioned by the district attorney, stating the general purpose for which required, whereupon the controller shall draw his warrant therefor and the claim be paid as provided for payment of other warrants by the treasurer. All such sums may be used by the district attorney solely as provided by general law and he shall file vouchers with the controller at the end of each fiscal year showing what disposition he has made of any moneys received by him from such fund and the particular purpose for which it was disbursed, provided that, if a criminal proceeding be pending or under investigation, vouchers for moneys disbursed in such proceeding or investigation, need not be filed until the trial of the criminal proceeding be ended or the investigation concluded. No portion of the fund shall be used for compensation or remuneration of full time assistants or employees.

(b) There shall be a warrant and bond office. The district attorney shall appoint an assistant to have charge of the warrant and bond office to be designated warrant and bond deputy, and such additional assistants and clerks as may be provided by the budget and appropriation ordinances. No person shall be appointed warrant and bond deputy who is not at the time of his appointment qualified to practice law in all the courts of this state. The warrant and bond deputy shall keep his office open continuously night and day for the transaction of business; he shall draw and approve with his signature all complaints and warrants in criminal actions to be prosecuted in the municipal courts and any inferior court established by law in this city and county and possessing criminal jurisdiction; he shall have custody of all bail bonds and appeal bonds taken in such courts.

The warrant and bond deputy may issue bail bonds and appeal bonds and order the discharge from custody of the persons for whom such bonds are approved by a magistrate. He may fix cash bail in misdemeanor cases where arrests are made without warrants and may take cash bail in all cases arising in the municipal court and any inferior court established by law in this city and county and possessing criminal jurisdiction, and may order the discharge from custody of the persons for whom cash bail is deposited with him.

In the matter of fixing bail and ordering the release of prisoners the warrant and bond deputy shall be subject to the judges of the municipal court and the judges of any court in the city and county empowered by law to act as magistrates.

3.402 - 3.406

3.403 Public Defender

The public defender shall be an elective officer. He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He must, at the time of his election, be qualified to practice in all the courts of this state and must have been so qualified for at least five years next preceding his election. He shall appoint, and at his pleasure may remove, such assistants and employees in his office as may be provided by budget and appropriation ordinances. He shall immediately upon the request of a defendant who is financially unable to employ counsel, or upon order of the court, defend or give counsel or advice to any person charged with the commission of a crime.

3.404 Sheriff

The sheriff shall be an elective officer. His salary shall be established by salary standardization procedures.

He shall furnish an official bond in the sum of fifty thousand dollars (\$50,000). He shall appoint, and at his pleasure may remove, an attorney, one under-sheriff, and one confidential secretary.

3.405 Treasurer

The treasurer shall be an elective officer. He shall furnish an official bond in the sum of two hundred thousand dollars (\$200,000). He shall appoint, and at his pleasure may remove, one chief assistant.

3.406 Assistants and Employees in Elective Offices

(a) The elective officers of the city and county may appoint such assistants and employees as are authorized by the supervisors upon the recommendation of the mayor, in the annual budget and annual or supplemental appropriation ordinances, and may discipline and remove the same, subject to the civil service provisions of this charter except as otherwise specifically exempted by the provisions of this charter. Each assistant attorney in the offices of the city attorney, the district attorney and the public defender must, at the time of his appointment, be qualified to practice in all of the courts of the state. The salaries, wages and compensation of every kind and nature, except pensions and retirement allowances, for assistants and employees in such elective offices, shall be fixed as provided by the salary standardization provisions of this charter.

(b) Notwithstanding any other provisions of this charter, occupants of all positions in the office of city attorney and the public defender, except assistant attorneys in the offices of the city

3.406 – 3.500

attorney and the public defender, and a confidential secretary for the city attorney and a confidential secretary for the public defender, shall be subject to the civil service provisions of this charter.

(c) Notwithstanding any other provisions of this charter, occupants of all positions in the office of district attorney, except assistant attorneys, one confidential secretary and occupants of positions classified as senior investigator or investigator, shall be subject to the civil service provisions of this charter.

Chapter Five: Administrative Departments, Boards and Commissions

Part One: General Powers and Duties

3.500 Boards and Commissions

Each board and commission appointed by the mayor, or otherwise provided by this charter, shall have powers and duties as follows:

(a) To prescribe reasonable rules and regulations not inconsistent with this charter for the conduct of its affairs, for the distribution and performance of its business, for the conduct and government of its officers and employees, and for the administration, custody and protection of property under its control and books, records and papers appertaining to its affairs. The board of supervisors, by ordinance, may provide that rules and regulations of any board or commission, or general orders of any department head issued by authority of any board or commission that are of general public concern shall be posted or otherwise adequately publicized.

(b) To appoint one of its members as president to hold office for such term as each such board or commission by its rules or regulations, not inconsistent with this charter, may prescribe.

(c) To establish such standing or special committees as it shall deem necessary.

(d) To receive, on behalf of the city and county, gifts, devises and bequests for any purpose connected with or incidental to the department or affairs placed in its charge, and to administer, execute and perform the terms and conditions of trusts or any gift, devise or bequest which may be accepted by vote of the people or by the board of supervisors for the benefit of such department or purpose, and to act as trustees, under any such trust, when so authorized to do by the board of supervisors. The title to all real and personal property now owned or hereafter acquired by gift, devise, bequest or otherwise, by and for the purposes of any board or commission shall vest in the city and county.

(e) To require such periodic or special reports of departmental

3.500 – 3.501

operations, costs and expenditures under its control as may be necessary and, exclusive of the board of supervisors, to submit an annual report to the mayor.

(f) To hold meetings at regular fixed dates and at regular meeting places, which dates or places shall not be changed except as in the manner provided by section 2.200 for the meeting times and places of the board of supervisors. All such meetings shall be open to the public.

(g) To hold special meetings for the purposes and in the manner provided by the board of supervisors by ordinance, provided that no matter may be considered at any special meeting unless specifically designated in the notice calling such special meeting.

(h) To appoint a secretary, a superintendent, or other executive to be the administrative head of the affairs under its control who, unless otherwise specifically provided, shall not be subject to the civil service provisions of this charter, and shall hold office at its pleasure.

(i) To require a bond or other security from each such executive officer and from any employee in such form as the board of supervisors may authorize and in such amount as the mayor, on the recommendation of the controller, may approve, the premiums on such bonds to be paid by the city and county.

A quorum for the transaction of official business shall consist of a majority of all the members of each board or commission, but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to penalties to be provided by ordinance. A majority, two-thirds, three-fourths, or other vote specified by this charter for any board or commission shall mean a majority, two-thirds, three-fourths, or other vote of all the members of such board or commission. Each board or commission shall keep a record for the proceedings at each meeting and a copy thereof shall be forwarded promptly to the mayor. Except for the purpose of inquiry, each board or commission, in its conduct of administrative affairs under its control, shall deal with such matters solely through its chief executive officer.

Each board or commission relative to the affairs of its own department, shall deal with administrative matters only in the manner provided by this charter, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this charter.

3.501 Department Heads

Each elective officer in charge of an administrative office, the

3.501

chief executive appointed by each board or commission, the controller, the chief administrative officer, and each department head appointed by the chief administrative officer shall have the powers and duties of a department head, except as otherwise specifically provided in this charter.

Each appointive department head shall be immediately responsible to the chief administrative officer or the board or commission, as the case may be, for the administration of his department, and shall file an annual report and make such other reports, estimates and recommendations at the time and in the manner required by law, or as required by the chief administrative officer, board or commission.

He shall act as the "appointing officer" under the civil service provisions of this charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized. On the written recommendation of the department head concerned and the approval of the chief administrative officer, board or commission to whom such department head is responsible, the head of any utility, institution, bureau or other subdivision of such department may be designated as the "appointing officer" for such utility, institution, bureau or other subdivision. Non-civil service appointments and any temporary appointments in any department or subdivision thereof, and all removals therefrom shall be made by the department head or bureau head designated as the appointing officer only with the approval of the chief administrative officer or the board or commission in charge, as the case may be.

He shall issue or authorize all requisitions for the purchase of materials, supplies and equipment required by such department, provided that, on the written approval of the chief administrative officer or the board or commission in charge of any department, the head of any utility, institution, bureau or other subdivision of a department may likewise be vested with such power. Each department head or the head of a utility, institution, bureau or other subdivision of each department shall be responsible for the proper checking of all materials, supplies and equipment ordered for its purposes, and for the approval or disapproval of bills for claims rendered for such materials, supplies or equipment.

The head of any department, through the chief administrative officer or the board or commission in charge thereof shall recommend to the board of supervisors such ordinances as may be required to carry out the powers vested and the duties imposed, and to establish or readjust fees or charges for permits issued to or work performed for persons, firms or corporations when these are subject to his or its jurisdiction.

Each department head may suggest the creation of positions

3.501 – 3.510

subject to the provisions of this charter, and may reduce the forces under his jurisdiction to conform to the needs of the work for which he is responsible, any other provisions of this charter to the contrary notwithstanding.

The mayor, the chief administrative officer, or the board or commission concerned, on the recommendation of any department head, or on his or its own motion, may combine or may transfer and redistribute among departments or offices under his or its authority, respectively, any function or duty assigned to or continued by this charter in any department.

Part Two: Administrative Departments under the Chief Administrative Officer

3.510 Finance and Records, Purchasing, Real Estate, Public Works, Electricity, Public Health, and County Agricultural Departments; Health Advisory Board; and Coroner's Office

The functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 11.102 and section 3.501 of this charter, be allocated by the chief administrative officer, among the following departments:

Department of Finance and Records, which shall include the functions and personnel of the offices of tax collector, registrar of voters, recorder, county clerk and public administrator, and shall be administered by a director of finance and records who shall be appointed by the chief administrative officer and hold office at his pleasure. The tax collector shall have power to examine the books of any business for which a license is issued and a fee charged on the basis of the receipts of such business, and for these purposes shall have the power of inquiry, investigation and subpoena, as provided by this charter.

The public administrator shall appoint and at his pleasure may remove an attorney. He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Real Estate Department, which shall include the functions and

personnel of the office of the right-of-way agent and also the control, management and leasing of the exposition auditorium.

Department of Public Works, which shall include the functions and personnel of the telephone exchange and which shall be in charge of and administered by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

The director of public works shall appoint a city engineer, who shall hold office at the pleasure of said director. He shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to city engineers and to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of city engineers and county surveyors.

All examinations, plans and estimates required by the supervisors in connection with any public improvements, exclusive of those to be made by the public utilities commission, shall be made by the director of public works, and he shall, when requested to do so, furnish information and data for the use of the supervisors.

The department of public works shall semi-annually notify the tax collector of the amount of each assessment that becomes delinquent and the lot and block number against which such assessment is levied, and it shall be the duty of the tax collector to note such delinquency on each annual tax bill.

The department of public works shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows: (a) to cooperate with and assist the police department in the promotion of traffic safety education; (b) to receive, study and give prompt attention to complaints relating to street design or traffic devices or the absence thereof; (c) to collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information; (d) to engage in traffic research and traffic planning; and (e) to cooperate for the best performance of these functions with any department and agency of the city and county and the state as may be necessary.

The department shall submit to the traffic bureau of the police department, for its review and recommendation, all proposed plans relating to street traffic control devices; provided, however that the bureau may waive submission and review of plans of particular devices designated by it. Failure of the said traffic bureau to submit to the department its recommendation on any proposed plan within fifteen (15) days after receipt shall be considered an automatic approval of said traffic bureau. The department shall not, with

respect to any traffic control devices, implement such plan until the recommendation of the traffic bureau has been reviewed or until the fifteen (15) day period has elapsed.

Department of Electricity, which shall be administered by a chief of department. The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of the department.

Department of Public Health, which shall be administered by a director of health, who shall be a regularly licensed physician or surgeon in the State of California, with not less than ten years' practice in his profession immediately preceding his appointment thereto. He shall be appointed by the chief administrative officer and shall hold office at his pleasure.

The chief administrative officer shall have power to appoint and to remove an assistant director of public health for hospital services, who shall be responsible for the administrative and business management of the institutions of the department of public health, including, but not limited to, the San Francisco General Hospital, Laguna Honda Home, Hassler Health Home, and the Emergency Hospital Service, and who shall be exempt from the civil service provisions of the charter. The position of assistant director of public health for hospital services shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to manage the institutions of the department of public health.

The director of public health shall have power to appoint and remove an administrator of San Francisco General Hospital, who shall be exempt from the civil service provisions of the charter. The position of administrator shall be held only by a physician or hospital administrator who possesses the educational and administrative qualifications and experience necessary to manage the San Francisco General Hospital.

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those

3.510 – 3.521

first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936.

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

Coroner's office, which shall include the functions and personnel of the existing office of coroner as established at the time this charter shall go into effect.

County Agricultural Department, which shall be administered by a county agricultural commissioner and shall include functions established by state law and those assigned to it by or in accordance with provisions of this charter.

Department of Weights and Measures, which shall include the functions and personnel of the office of sealer of weights and measures as established at the time this charter shall go into effect.

Part Three: Department of City Planning

3.520 Establishment

There is hereby established a department of city planning which shall consist of a city planning commission, a director of planning and such employees as may be necessary to carry out the functions and duties of said department.

3.521 Commission; Composition

The city planning commission shall consist of seven members, five of whom shall be appointed by the mayor. The chief administrative officer and the manager of utilities, or their designated deputies, shall be members ex-officio. The terms of appointive members of the commission shall expire one each at twelve o'clock noon on the 15th day of January in the years 1949, 1950, and 1951, and two at said time in the year 1948. Thereafter, the term of each appointive member shall be four years. Present appointees shall continue in office without change of incumbency for the existing terms thereof. The mayor shall fill all vacancies in office of appointive members of the commission occurring either during or at the expiration of terms. Ex-officio members of the commission shall serve as such without compensation. The compensation of appointive members of said commission shall be fifteen dollars (\$15) for each meeting of the commission actually attended by said members, provided that the

3.521 – 3.524

aggregate amount paid all the members shall not exceed five thousand dollars (\$5,000) per year.

3.522 Director of Planning

The city planning commission shall appoint a director of planning who shall hold office at its pleasure and who shall be a person of adequate technical training and administrative experience in city planning. The director of planning shall be the administrative head and appointing officer of the department of city planning. The position of director of planning shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided, however, that during his incumbency the appointee to the position shall reside in the city and county.

3.523 Secretary of Commission; Consultants

The city planning commission may appoint a secretary, which appointment shall not be subject to the civil service provisions of this charter. Subject to the provisions of sections 6.302, 6.312 and 6.313 of this charter, the commission may also contract with architects, city planners, engineers, or other consultants for such services as it may require.

3.524 The Master Plan; Scope and Content

It shall be the function and duty of the city planning commission to adopt and maintain, including necessary changes therein, a comprehensive, long-term, general plan for the improvement and future development of the city and county, to be known as the master plan. The master plan shall include maps, plans, charts, exhibits, and descriptive, interpretive, and analytical matter, based on physical, social, economic, and financial data, which together present a broad and general guide and pattern constituting the recommendations of the commission for the coordinated and harmonious development, in accordance with present and future needs, of the city and county and of any land outside the boundaries thereof which in the opinion of the commission bears a relation thereto.

The master plan shall show the general location, character, and extent of existing and proposed street railway, bus, railroad, air, water, and other transportation routes and terminals, public ways, grounds, and open spaces, and the general location of major buildings, structures, and facilities constructed thereon or proposed, and shall include a land-use plan showing the proposed general distribution and the general location and extent of housing, business, industry, recreation, education, and other categories of public and private uses of land, and recommended standards of population

3.524 – 3.526

density and building intensity, with estimates of population growth and a general description of the amount and general classes of industrial, business and other economic activities for which the commission deems that space should be supplied within the territory covered by the plan, all correlated with the land-use plan. It shall include proposals for the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale, or change in the use of any of the foregoing public ways, routes, grounds, open spaces, buildings, or structures.

In the preparation of the master plan or any amendment thereto, the department of city planning is authorized to make or cause to be made such investigations, studies, maps, charts, exhibits, and reports as it may deem to be required.

3.525 Amendment of the Master Plan

The master plan may be amended to include at any time modifications and extensions thereof. Before the city planning commission may adopt any substantial extensions of the master plan adopted prior to the passage of this amendment or any substantial amendment or addition thereto which in the judgment of the commission constitutes a major alteration in the plan, it shall hold at least one public hearing thereon, notice of the time and place of which shall be given by at least one publication in the official newspaper of the city and county not less than twenty days before the day of hearing. Adoption of the master plan or portions thereof or amendments, extensions or additions thereto shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the commission. Such resolutions shall refer expressly to the reports, plans, or descriptive and other matter intended to form the whole or part of the plan, and the action taken shall be recorded on such documents and an attested copy thereof shall be certified to the mayor and the board of supervisors.

3.526 Implementation of the Master Plan

The department of city planning may make such reports and recommendations to the mayor, the board of supervisors, and other officers and agencies as it may deem necessary to secure understanding and a systematic effectuation of the recommendations of the master plan. The department shall have the power to promote public interest in and understanding of the master plan and may publish and distribute copies of the plan or any portion thereof or of any report and may employ such other means of publicity and education as it may deem to be in the public interest.

3.527 – 3.529

3.527 Mandatory Referrals

No ordinance or resolution which deals with the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale or change in the use of any public way, transportation route, ground, open space, building, or structure, the subject matter of which has not been previously reported on by the department of city planning in accordance with the provisions of sections 3.527, 6.202, 6.203 or 6.205 of this charter, shall be adopted by the board of supervisors unless and until such ordinance or resolution shall have first been referred to the department of city planning and a report rendered thereon regarding conformity of the matter involved to the master plan. If conflict exists, the report shall give the particulars of the differences between the proposal and the master plan.

It shall be the duty of the department of city planning to render its report in writing upon any ordinance or resolution to the board of supervisors and to the controller within thirty days after the date of such referral unless a longer period is granted by the board of supervisors. The department of city planning shall report to the board of supervisors within the time limits herein established. All plats of new subdivisions of land, or replats of subdivisions laid out in building lots after December 26, 1946 and located within the city and county limits, shall be submitted in tentative form to the department of city planning and the city planning commission shall report its recommendations thereon in writing to the agency responsible therefor, as provided by ordinance. Should major changes occur after acceptance of the tentative map, the final plat shall be submitted for further report thereon to the department of city planning.

All project plans for public and private housing and publicly-assisted private housing, and for the clearance, rehabilitation and redevelopment of blighted areas, located within the city and county limits, shall be submitted to the department of city planning and the city planning commission shall report its recommendations thereon in writing to the agency responsible therefor. Should major changes thereafter be proposed, those changes shall be submitted to the department of city planning for further report thereon.

3.528 Capital Improvement Program

The department of city planning shall be governed by the provisions of section 6.202 of this charter pertaining to capital improvement projects.

3.529 Advice on Physical Improvement and Development

The department shall act in an advisory capacity to the board of

3.529 – 3.530

supervisors and other departments, commissions and agencies of the city and county in any matter affecting the physical improvement and development of the city and county. All public officials shall upon request furnish to the department of city planning such information as it may require for its work and the department of city planning shall furnish to all departments and officials of the city and county such information as said departments and officials may require concerning the master plan. In general, the department shall have such powers as may be necessary to enable it to fulfill its functions.

Part Four: Police Department

3.530 Composition of Department; Commission

The police department shall consist of a police commission, a chief of police, a police force and such clerks and employees as shall be necessary and appointed pursuant to the provisions of this charter, and shall be under the management of a police commission consisting of three members, who shall be appointed by the mayor, and each of whom shall receive an annual compensation of twelve hundred dollars (\$1,200). The term of each commissioner shall be four years, commencing at twelve o'clock, noon, on the 15th day of January in the years 1945, 1946 and 1948, respectively.

The police commissioners shall be the successors in office of the police commissioners holding office in the City and County on January 3, 1972, and shall have all the powers and duties thereof, except as otherwise in this charter provided. They shall have the power and duty to organize, reorganize and manage the police department. They shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the police commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The police commission may in their discretion designate the rank or ranks from which appointments to such exempt ranks or positions shall be made. Appointments to any non-civil service rank or position above the rank of captain as may be created hereunder shall be designated only from the civil service rank of captain. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such

3.530 – 3.533

rank or position, the police commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors and said board of supervisors shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year. Thereafter the compensation for said new rank or position shall be fixed as provided for in section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with the provisions of section 8.405 of this charter relating to parity or compensation for police officers and firemen for the fourth year of service and thereafter. The police commission shall also have power to establish and from time to time change the order or rank of the non-civil service ranks in the police department.

All positions in the police department legally authorized shall be continued, and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments and except as otherwise provided in this charter.

The effective date of this section as amended herein shall be July 1, 1972.

3.531 Ranks in the Department

The several ranks or positions in the department shall be as follows: chief of police, captains, criminologists, lieutenants, inspectors, sergeants, assistant inspectors, police surgeon, police officers, police patrol drivers and women protective officers, and such other ranks or positions as the police commission may from time to time create as provided for in section 3.530 of this charter. The compensation for these ranks shall be determined as provided in sections 3.530 and 8.405 of this charter.

3.532 Chief of Police

The police commission shall appoint a chief of police who shall hold office at its pleasure.

3.533 Other Executives

Subject to the provisions of section 3.501 of this charter governing the appointment and removal of non-civil service appointees, and without competitive examination, the chief of police shall have

3.533 – 3.534

power to appoint a police surgeon; to appoint from among the members of the department holding the civil service rank of captain, a member to any non-civil service rank above the rank of captain as may be created by the police commission pursuant to the provisions of section 3.530 of this charter; and to appoint a member to any non-civil service rank below the rank of captain as may be created by the police commission pursuant to the provisions of section 3.530 from among the members of the department holding the rank or ranks designated by said commission pursuant to the provisions of section 3.530 of this charter.

When any member of the department, detailed to any of the positions above mentioned, shall be removed from said detail or position, he shall be returned to his civil service rank and position, unless removed from the department pursuant to the provisions of section 8.343 of the charter.

No appointment shall be made which would result in a member holding a lower civil service rank or position supervising a member holding a higher civil service rank or position; provided, however, that any member of the department holding a position on the effective date of this amendment whose civil service rank is lower than that specified for such position may be retained in such position subject to the provisions of section 3.501 of this charter, if he has held such position for at least one year prior to the effective date hereof.

The effective date of this section as amended herein shall be July 1, 1972.

3.534 Inspectors

Assignment to the ranks of assistant inspector and inspector in the police department shall be made by the chief of police from among those members of said department holding the ranks of sergeant, police officer or woman protective officer, who have qualified in the following manner: any of the aforesaid members of the police department who has served in the department not less than three years shall be eligible to participate in a competitive examination for the rank of assistant inspector which shall be administered by the civil service commission. Such competitive examination shall primarily pertain to matters concerning the duties of the classifications of assistant inspector and inspector. In addition to the written portion of this examination, participants shall be examined orally by a board composed of three (3) supervisory officers having investigatory experience from those police departments in cities other than San Francisco surveyed under section 8.405 of this charter, who shall be selected by the civil service commission. Rating of the examination

shall be a composite of grades attained in the written examination, the oral examination, and a rating for seniority of service. The written examination shall be given a weight of 75% and the oral examination shall be given a weight of 20%, and seniority of service shall be given a weight of 5%. The civil service commission shall certify to the chief of police a list of certified candidates which shall not be less than the number of current and anticipated vacancies for a two-year period as determined by the chief of police plus twenty-five (25) per cent. Said list shall rank the candidates by order of the composite grade attained in the examination. Said list shall expire every two (2) years following adoption by the civil service commission. The chief of police shall appoint assistant inspectors to fill vacancies in the rank of assistant inspector from the certified list of qualified candidates by order of the grade achieved in the examination; provided, however, if any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, he shall receive the rate of compensation attached to the rank of sergeant.

Assistant inspectors shall serve a six (6) month probationary period. Appointment as inspector shall not be subject to competitive examination. Each inspector shall serve at the pleasure of the chief of police during his first year of service and thereafter may only be removed and returned to his civil service rank in the manner herein provided. In case of vacancy in said rank of inspector the appointment shall be made by the chief of police from among those holding the rank of assistant inspector who have actually served as assistant inspector for at least two years prior to such appointment; provided, however, that in the event there are no assistant inspectors who have actually served as such for at least two years prior to such appointment, the appointment may be made by the chief of police from among those holding the rank of assistant inspector who have completed their six months probationary period prior to such appointment. The chief of police may, from time to time, detail members of the department for performance of duty, without change in rank, in the various units and bureaus of the department.

Inspectors and assistant inspectors shall have the same rights as other members of the department to take competitive examinations from their respective civil service ranks; provided, however, that any member of the department holding the rank of assistant inspector or police officer may take the competitive examination for the rank of sergeant. An inspector or assistant inspector guilty of any offense or violation of the rules and procedures of the police department shall be subject to punishment as provided in section 8.343 of this charter; provided, however, that in addition to the punishments set forth in

3.534 – 3.536

section 8.343, an inspector may be demoted to his civil service rank for any offense or violation set forth in said section and after trial and hearing before the police commission as set forth therein.

Members of the police department holding the rank of assistant inspector or inspector respectively on the effective date of this amendment shall be deemed appointed to such rank pursuant to the provisions of this section and thereafter shall hold such rank under the provisions.

Any police officer or sergeant assigned to the bureau of inspectors, the juvenile bureau, the hit and run detail of the traffic bureau, the bureau of special services, the narcotics bureau or the intelligence unit on the effective date of this amendment and who had been so assigned or detailed on or before August 2, 1971, shall be deemed appointed to the rank of assistant inspector pursuant to the provisions of this section and thereafter shall hold such rank under such provisions.

The board of supervisors shall have the power, and it shall be its duty, without reference to the annual budget, to amend the annual appropriation ordinance, and the annual salary ordinance for the fiscal year 1971-1972, to include the provisions necessary for the reclassification of the police officers and sergeants deemed appointed to the rank of assistant inspector herein and the payment of any additional compensation related thereto.

The effective date of this section as amended herein shall be the first day of the month following ratification.

3.535 Special Police Officers

At his discretion or upon the petition of any person, firm or corporation, the chief of police may appoint, and at his pleasure remove special police officers. Such officers shall be subject to all the rules and regulations of the department.

3.536 Patrol Special Officers

The police commission may appoint patrol special officers and for cause may suspend or dismiss said patrol special police officers after a hearing on charges duly filed with the commission and after a fair and impartial trial. Each patrol special police officer shall be at the time of his appointment not less than twenty-one years of age nor more than forty years of age and must possess such physical qualifications as may be required by the commission. Age qualifications shall not apply to present patrol special police officers acting as such on January 11, 1943, nor to their reappointment. Patrol special police officers who are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to

3.536 – 3.538

time by said commission or the legal heirs or representatives of said owners, may dispose of their interest in said beat or territory to a person of good moral character, approved by the police commission and eligible for appointment as a patrol special police officer.

3.537 Special Powers of the Chief of Police

In the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police, in the lawful exercise of his functions, shall have all the powers that are now or that may be conferred on the sheriff by the laws of this state.

The chief of police shall have the power, by regulation, to provide for the care and restitution of property that may come into possession of any officer or employee thereof, and the sale at public auction of all such unclaimed property, as well as the disposition of such property as shall consist of weapons or articles used or that may be used in the commission of crime, or the sale or disposition of which is prohibited by law.

The chief of police may refuse to issue any permit that is subject to police department investigation and issuance, if it shall appear that the character of the business or the applicant requesting such permit does not warrant the issuance thereof, or he may revoke any such permit as soon as it shall appear that the business or calling of the person to whom it was granted is conducted in a disorderly or improper manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling.

The chief of police in the performance of police duties shall have power to examine at any time the books and the premises of pawnbrokers, peddlers, junk and second-hand dealers, auctioneers and other businesses designated by the board of supervisors, and for these purposes shall have the power of inquiry, investigation and subpoena, as provided by this charter.

3.538 Traffic Regulation

The traffic function of the police department shall be under the jurisdiction of the chief of police, who shall have powers and duties relating to street traffic, subject to laws relating thereto as follows: (a) to regulate all street traffic by means of police officers and the emergency use of temporary signs or devices; (b) to promote traffic safety education and to receive and give prompt attention to complaints in relation to street traffic and to refer all complaints relating to or arising from street design or from traffic devices, or the

3.538 – 3.539

absence thereof, to the department of public works; (c) to collect and compile traffic accident data, copies whereof shall be furnished to the department of public works; (d) to cooperate and advise for the best performance of these functions, with the department of public works, the public utilities commission, the fire department, the department of city planning, the board of supervisors and other departments and agencies of the city and county and state as may be necessary; and (e) to review all proposed plans relating to street traffic control devices which are received from the department of public works and to make such recommendations to that department as may be deemed necessary for the proper regulation of street traffic within fifteen (15) days after receipt of said plans from the department of public works, pursuant to section 3.510 of this charter.

The powers and duties of the chief of police with respect to traffic functions hereinabove stated shall not modify to any extent the powers and duties of any department or office, but shall be, first for the purpose of assisting the chief of police in his regulation of traffic, and, second, for the purpose of recommendation only, to other departments or offices upon matters within their jurisdiction, but affecting to any extent the regulation of traffic.

The effective date of this section as amended herein shall be July 1, 1972.

3.539 Special Police Funds

The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of \$50,000 to be known as the contingent fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the investigation and detection of crime, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

The board of supervisors shall have the power to appropriate to the police department an amount not to exceed in any one fiscal year the sum of \$50,000 to be known as the narcotic fund of the chief of police. The chief of police may from time to time, disburse such sums from such fund as in his judgment shall be for the best interests of the city and county in the enforcement of the narcotic laws, and the police commission shall allow and order paid out of such narcotic fund, upon orders signed by the chief of police, such amounts as may be required.

Part Five: Fire Department

3.540 Commission

The fire department shall be under the management of a fire commission, consisting of three members, who shall be appointed by the mayor and each of whom shall receive an annual compensation of twelve hundred dollars (\$1,200). The term of each commissioner shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years of 1948, 1949 and 1950, respectively.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The commissioners shall have power, upon recommendation of the chief of department, to send fire boats, apparatus and men outside the City and County of San Francisco for fire-fighting purposes.

Positions of officers and employees of the fire department legally authorized shall continue, and the incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided.

3.541 Chief of Department; Other Commission Appointments

The fire commission shall appoint a chief of department, a secretary and a department physician who shall hold office at its pleasure.

3.542 Ranks in the Department

The several ranks in the fire department shall be: chief of department; deputy chief of department; chief, division of fire prevention and investigation; first assistant and second assistant chiefs of department; secretary to chief of department; battalion chiefs; supervisor of assignments; captains; lieutenants; inspector of fire department apparatus; engineers; chief's operators; drivers; tillermen; truckmen; hosemen; pilots of fire boats and marine engineers of fire boats; captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation. Any member of the fire department now assigned as captain, bureau of fire prevention and public safety, lieutenant, bureau of fire prevention and public safety, lieutenant, bureau of fire investigation, inspector, bureau of fire prevention and public safety, or investiga-

3.542 – 3.545

tor, bureau of fire investigation, shall, if he has been performing such duties on July 1, 1952 and continuously thereafter for the period of one year, or for a period of one year from July 1, 1951 to July 1, 1952 inclusively, be declared permanently appointed to such rank as if appointed thereto after examination and certification from a list of eligibles under the civil service provisions of this charter, and thereafter shall hold such position under the civil service provisions of this charter; provided that as to any member assigned to either of said bureaus who is or was on military leave during any of the periods of time above stated such military leave shall be considered as service in the assignment from which leave was granted.

The compensation for these ranks shall be determined as provided in section 8.405 (c) of this charter.

3.543 Assistant Fire Chief and Other Executives

Subject to the provisions of section 3.501 of the charter governing the appointment and removal of non-civil service officers, assistants and employees, and without competitive examination, the chief of the fire department shall have the power to appoint, from among the members of the department having the rank of first or second assistant chief of department, a deputy chief of department and, from among the members of the department having the rank battalion chief, a secretary to the chief of department.

3.544 Fire Marshal

The chief of the fire department, with the approval of the fire commission, may appoint a fire marshal and assistants on the recommendation of the Underwriters Fire Patrol of San Francisco, to serve without compensation from the city and county. The board of supervisors may empower the fire marshal to sell property saved or salvaged from any fire and for which no owner can be found. The fire marshal may call upon police officers to assist in the protection or salvaging of property and shall have such other powers and duties as by ordinance may be prescribed relative to the protection of property at fires and the storage of property salvaged therefrom. He shall have such duties appertaining to the enforcement of laws relative to the storage, sale and use of oils, combustible materials and explosives as the fire commission by rule, or the supervisors by ordinance, may prescribe.

3.545 Fire Prevention

The chief of department shall have jurisdiction, under the management of the fire commission, of the division of fire prevention and investigation consisting of the bureau of fire prevention and public

safety and the bureau of fire investigation. He shall hold the assistant chief of department, division of fire prevention and investigation, to the responsibility and authority for enforcement of laws and statutes of the State of California, and the charter and ordinances of the City and County of San Francisco, pertaining to matters of fire prevention and fire investigation.

The bureau of fire prevention and public safety shall inspect all hospitals, schools, places of public assemblage, and other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facilities, other hazardous occupancies as defined by the Building Code, and all occupied or vacated structures and premises to determine whether or not compliance is being had with statutes, regulations, and ordinances relative to fire prevention, fire protection and firespread control, and the protection of persons and property from fire. It shall enforce said statutes, regulations, and ordinances and shall report violations to other departments having jurisdiction.

The bureau of fire prevention and public safety shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to exceed \$1,000 in cost, of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, subject to the statutes, regulations, and ordinances referred to in this section, and shall also examine the applications, plans and specifications for all structures and premises insofar as they involve the location of standpipes. The bureau of fire prevention and public safety shall by written report, filed with the director of public works, approve such plans and specifications, or report to said director of public works, the particulars wherein non-compliance exists, and upon modification of the application, plans and specifications to comply therewith, the bureau shall inform said director of its approval. No permit for alteration or repair exceeding \$1,000 in cost of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, or for the erection thereof, or involving the location of standpipes, shall be issued unless said approval is given.

Any structure or premises as provided in this section 3.545 wherein there exists any violation of statutes, regulations, or ordinances referred to in this section, or which is maintained or used in such manner as to endanger persons or property by hazard or fire,

3.545 – 3.546

explosion or panic and any structure or premises as provided in this section 3.545 hereafter constructed, altered or repaired in violation of said statutes, regulations, or ordinances, is hereby declared to be a public nuisance, and it shall be the duty of the bureau of fire prevention and public safety to prosecute abatement proceedings.

The bureau of fire prevention and public safety shall detail to the department of public works such personnel as necessary to review and check plans relative to requirements of the Fire Code and shall report any particulars of non-compliance to the director.

The fire department shall make recommendations to the director of public works for possible revisions to the Building Code and Housing Code on matters of fire safety.

3.546 Curtailment of Fireboat Operation

In the event that the services of any pilot, marine engineer or marine fireman holding permanent civil service status as such, hereinafter referred to as the said member, are no longer required in connection with fireboat operation due to curtailment of such operation by the City and County of San Francisco or due to the conversion from steam fireboats to motorized fireboats, the said member on the basis of seniority in rank may be reassigned to duties of a position of some other rank in the fire department in which a vacancy in a permanent position exists and not carrying a higher compensation than the compensation of the rank previously held by said member, as the chief of department, with the approval of the fire commission shall determine are within the said member's ability to perform, below the rank of lieutenant, provided however, said member shall not be eligible for promotional examination in the fire department. Upon such reassignment the said member shall be declared to be permanently appointed to such new rank as if appointed thereto after examination and certification from a list of eligibles under the civil service provisions of this charter, and he shall have seniority therein from date of such reassignment and he shall receive the same rate of pay as would be applicable to any other member of such new rank having the same number of years of service in the department under the provisions of section 8.405 (c) of the charter. If no vacancy in a permanent position exists to which immediate reassignment may be made as indicated above, then such member shall be laid off from his position subject to reassignment as indicated above when such a vacancy does occur.

If at any time after such reassignment the said member's original position, or a similar position becomes available on fireboats under jurisdiction of the San Francisco Fire Department, the said member

shall be assigned to such position in accordance with his seniority in rank in the department, preference in such assignment being given to the said member having the greatest seniority. Upon such assignment the said member shall be declared to be reappointed to the rank he held at the time he was transferred from such fireboat service and shall be restored to all the civil service rights and privileges appurtenant thereto, including such additional rights and privileges as may have accrued by reason of added seniority.

Nothing in this section shall affect the said member's pension and retirement rights and privileges under Chapter Five of Article Eight.

The chief of department, the board of fire commissioners, the civil service commission, the controller and the board of supervisors shall perform all acts necessary to carry out the provisions of this section.

3.547 Power to Remove Structures

The chief of fire department or, in his absence, the deputy chief or any assistant chief of department or, in their absence any battalion chief in charge, may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

Part Six: Recreation and Park Department

3.550 Commission

The recreation and park department shall be under the management of a recreation and park commission, the members of which shall serve as commissioners thereof without compensation. Said commission shall consist of seven members, who shall be appointed by the mayor for a term of four years; provided that the respective terms of office of those first appointed shall be as follows: two for two years, two for three years, and three for four years from the effective date of this section. Vacancies occurring in the offices of appointive members, either during or at expiration of term, shall be filled by the mayor. Not less than two members of said commission shall be women.

3.551 General Manager; Other Executives

The recreation and park commission shall appoint a general manager, who shall hold office at the pleasure of the commission. The commission shall also appoint a secretary, subject to the civil service provisions of this charter.

The general manager shall be the chief executive officer of the department. Subject to the approval of the commission, he shall have

3.551 – 3.552

power to appoint and to remove a superintendent of recreation, a superintendent of parks, a director of the zoo, an executive secretary to the general manager, and a director of the Strybing Arboretum and Botanical Gardens, all of whom shall be exempt from the civil service provisions of this charter, and shall hold office subject to such power of removal on approval of the commission. The position of director of Strybing Arboretum and Botanical Gardens shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to direct and administer a complete program for the development, operation and maintenance of an arboretum and botanical garden.

3.552 Powers and Duties

The recreation and park commission shall have the complete and exclusive control, management and direction of the parks, playgrounds, recreation centers and all other recreation facilities, squares, avenues and grounds which are in the charge of the commission on the effective date hereof, or are thereafter placed in the charge of the commission, except as in this charter otherwise provided.

It shall also have power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and estimates in connection therewith shall be prepared by the department of public works and be subject to approval by the recreation and park commission.

All contracts or orders for the work to be performed under such plans and specifications shall be awarded and executed by the director of public works with the approval of the recreation and park commission and shall be administered by the director of public works.

It shall be the duty of the recreation and park commission to make provision for the funds required for the operation and continuance of the duties herein assigned to the department of public works.

The persons performing the functions and duties transferred from the recreation and park department to the department of public works shall be transferred therewith, and such employees shall retain in the department of public works the same salary and civil service seniority status as they had in the recreation and park department.

It shall be the policy of the commission to promote and foster a program providing for organized public recreation of the highest standard.

The commission, through the general manager, shall utilize the

3.552 – 3.570

property under its control and organize the personnel under its direction, to the end that all functions of the department be performed with the greatest possible efficiency.

3.553 Relationship to School District

The San Francisco Unified School District shall supervise and direct recreational activities in facilities under its jurisdiction, and the commission and the school district shall have the power to supervise and direct other adjacent recreation and park facilities either jointly or severally by agreement.

Part Seven: Library Department

3.560 Commission

The library department shall be under the management of a library commission consisting of seven members who shall be appointed by the mayor and shall serve without compensation.

The term of each commissioner shall be four years, at the expiration of which the mayor shall appoint his successor.

3.561 Librarian; Secretary

The library commission shall appoint a librarian and a secretary who shall hold office at its pleasure. The librarian shall be the chief executive of the department and shall be the appointing officer for the department as provided in section 3.501 of the charter.

Part Eight: Social Services Department

3.570 Composition of Department; Commission

There is hereby established a social services department. This department shall consist of a social services commission of five members, a director of social services, and such employees and assistants as may be necessary to carry out the work and functions of said department.

The members of the social services commission shall be appointed thereto by the mayor and shall be selected for their respective positions on the basis of their interest in and understanding of the problems of public welfare. The members of said commission shall serve without compensation and no person shall be eligible to serve on said commission while holding a salaried public office, position or employment.

The term of office of the members of the said commission, subject to the provisions hereof relative to removal and the terms of the first members of the commission, shall be four years.

3.570 – 3.572

The mayor shall appoint five members to said social services commission, one member to be appointed for a term to expire on the 15th day of January, 1938; one for a term to expire on the 15th day of January, 1939; one for a term to expire on the 15th day of January, 1940, and two for terms to expire on the 15th day of January, 1941; and upon the expiration of the terms of each of said members of said commission so appointed, the mayor shall fill the vacancy arising by reason of the expiration of said term by the appointment of a member to said commission for a term of four years. Vacancies occurring in the membership of said commission shall be filled by an appointment to be made by the mayor for the unexpired term of said person in whose place said appointment is made; and when the term of any member of said commission shall expire, then said appointment shall be made for the full period of four years from the date of the expiration of the term. All vacancies shall be filled within thirty days of the occurrence thereof.

Members of the commission shall be subject to removal from office by the mayor for cause, but only upon written charges made and signed by the mayor, copy of said charges to be served upon the offending commissioner; and said charges shall be heard by the mayor and on said hearing of said charges the said commissioner so charged shall have the opportunity to appear and to be heard.

The commission shall be a policy-determining and supervisory body and shall have all the powers provided for in section 3.500 of the charter.

3.571 Director

The commission shall appoint and, subject to the budgetary provisions of this charter, fix the salary of a director of social services who shall serve at the pleasure of said commission and shall not be subject to the civil service provisions of the charter. Said director shall possess qualifications and experience essential to the conduct of a complete program of public welfare. Said director shall be the chief executive of the department and shall have all the powers provided for chief executives as set forth in section 3.501 of the charter. He shall be responsible for the enforcement of the rules and regulations of the commission and, upon the recommendation of the commission, shall have the power to establish such divisions and bureaus as may be necessary for the administration of relief and welfare in the City and County of San Francisco.

3.572 Functions and Duties

The social services department shall perform such other duties and have such other functions as may be authorized by the board of

3.572 – 3.581

supervisors of the City and County of San Francisco or required by the government of the United States or the State of California or any department or agency thereof.

3.573 Employees

All employees in the social services department, with the exception of the director thereof, shall be subject to the civil service provisions of the charter and, subject to said provisions, the director of social services may employ such employees as may be necessary for the carrying out of the work and functions of the department.

Part Nine: Port Commission

3.580 Commission; Composition

The San Francisco Port Commission shall consist of five members who shall be appointed by the mayor, their appointment being subject to confirmation by the board of supervisors. Each of said members shall serve for a term of four years. Vacancies on the commission shall be filled by the mayor for the unexpired portion of the term. Initial appointive members of the commission shall consist of the incumbent members of the San Francisco Port Authority, who shall serve as commissioners for a term corresponding to the unexpired portion of their tenure as members of the port authority. In addition, the director of finance and secretary of agriculture and services, or their designated representatives, shall be ex-officio members of the commission. Persons appointed to the port commission shall be subject to recall, suspension and removal in the same manner as an elected official. The compensation of each member of said port commission shall be twelve hundred dollars (\$1,200) per year. Ex-officio members of the commission shall serve as such without compensation.

3.581 Powers and Duties

The port commission shall have all the powers and duties given to boards and commissions by section 3.500 of the charter and shall have the power to establish such departments and bureaus as may be necessary or convenient for the conduct of its affairs. Subject to the terms and conditions of the transfer and any supplemental agreements relating thereto, the port commission shall have the control and management of all real and personal property transferred under the Statutes 1968, ch. 1333, or otherwise acquired or purchased with funds under its control or acquired or purchased by it within the scope of its authority, or otherwise placed under its management, supervision and control. The property under the control and manage-

ment of the commission shall be known as the port area. The port commission shall have the power and duty to use, conduct, operate, maintain, manage, regulate, and control the port area of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said port area, or which may further the interests of the port in world trade, including, without limiting the generality of the foregoing, the exclusive power to perform or accomplish the following:

(1) The improvement, operation and conduct of the harbor, and any and all improvements or facilities located thereon;

(2) The construction, reconstruction, repair, operation and use of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, or located within the port area;

(3) The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

(4) The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

(5) The preservation or restoration of marine resources consistent with the primary mission of the harbor of San Francisco;

(6) The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the port commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds will yield maximum profits to be used by the commission in the furtherance of commerce and navigation;

(7) Leases and franchises granted or made by the port commission shall be administered exclusively by the operating forces of the port commission;

(8) The power to nominate for appointment a port director who shall be the chief executive of the port commission and who shall have the management of all the affairs and activities placed under the jurisdiction of the commission. The mayor shall appoint a port director. He shall devote his entire time to the duties of his office and his salary shall be fixed by the commission. He shall hold his office at the pleasure of the commission and shall have the management of said harbor and of all of the facilities and equipment thereof and all bureaus and departments established for the operation of said harbor or for the operation of any equipment or facility thereof. Subject to the approval of the commission he shall appoint and remove any and all heads of departments or bureaus, who may not be subject to the civil service provisions of the charter. He shall possess the necessary administrative, executive and technical qualifications necessary to enable him to perform the duties of his office. His compensation shall not exceed prevailing salaries paid those holding similar positions in comparable maritime employment. The commission may confer on him such additional powers and authority as it may see fit;

(9) To regulate the berthing, anchoring, towing, loading and unloading and mooring of vessels within the port;

(10) To issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession;

(11) To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the port commission, and to provide for the collection thereof;

(12) To enter into contracts, agreements, or stipulations germane to the scope of its powers and duties;

(13) To give such bonds or assurances as may be required by the United States in the operations permitted hereunder;

(14) To provide and equip offices within or without the port, within other states, or in foreign countries, and through such employees and agencies as it may deem expedient;

(15) To contract for and operate foreign trade zones within the port area or auxiliary to the port area, or such zones or sub-zones as have been operated by the San Francisco Port Authority. Agreement may be made with the public utilities commission for operation of future zones or sub-zones in other areas;

(16) Members and officers of the port commission shall be exempt from the provisions of the city charter relating to absences

3.581 – 3.582

from the state, but shall advise the mayor and the board of supervisors in advance of such absences;

(17) May promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this state and through such agencies, mediums, employees and agents as are determined by the commission. The commission may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the harbor fund for the special purposes authorized by this provision. Members and employees of the commission in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the commission and shall be allowed hospitality expenses necessarily incurred in furthering the interests of the port;

(18) To issue revenue bonds as provided in section 7.305.

(19) To expend all funds necessary to the carrying out of the powers and duties herein expressed;

(20) This section does hereby vest in the port commission all of the powers set forth in section 3 and section 5 of the Statutes of 1968, chapter 1333, which provisions are hereby incorporated in the charter by this reference.

3.582 Transfer of Harbor

The City and County of San Francisco shall accept the transfer and assume jurisdiction and control of the harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333. All the powers and duties incident to the management, government, control and administration of said harbor and all properties and utilities used in connection therewith, shall be vested in the port commission of the City and County of San Francisco.

The board of supervisors of the City and County of San Francisco shall have and is hereby granted power to enter into any agreement with the State of California, the director of finance, or any officer, agency or commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of the jurisdiction and control of the harbor of San Francisco, or any of the facilities thereof, to the City and County of San Francisco.

3.583 – 3.585

3.583 Status of Employees

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the port authority who, at the time the transfer provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after the transfer provided for herein has gone into effect, become employees of the city and county in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

3.584 Budgeting and Fiscal Procedure

In the matter of the control and operation of the harbor and of the facilities and equipment thereof, including the matter of budgets and appropriations, the port commission shall be subject to the budgetary and fiscal procedure elsewhere provided for in this charter.

3.585 Legal Advisor

The city attorney shall be the legal advisor of the commission, and may, with the approval of the commission, compromise, settle or dismiss any litigation or legal proceeding, pending for or on behalf of the commission relative to any matter under its jurisdiction, and said commission may with the consent of the mayor and the approval of the city attorney appoint special counsel.

Part Ten: Public Utilities Commission

3.590 Commission; Composition

A public utilities commission is hereby created, which shall consist of five members, who shall be appointed by the mayor and who shall be subject to recall and to suspension and removal in the same manner as elective officers. The term of each commissioner shall be four years, provided that the five commissioners first appointed by the mayor after twelve o'clock noon, on the 8th day of January, 1932, shall, by lot, classify their terms so that the term of one commissioner shall expire at twelve o'clock noon on the 15th day of January in each of the years 1933, 1934, and 1935, respectively, and that the terms of two other commissioners shall expire at twelve o'clock noon on the 15th day of January, 1936, and on the expiration of these and successive terms, the mayor shall appoint their successors for four years. The compensation of each commissioner shall be one hundred dollars (\$100) per month.

3.591 Powers and Duties

The public utilities commission shall have charge of the construction, management, supervision, maintenance, extension, operation and control of all public utilities and other properties used, owned, acquired, leased or constructed by the city and county, excepting airports, for the purpose of supplying any public utility service to the city and county and its inhabitants, to territory outside the limits of the city and county, and to the inhabitants thereof.

The commission shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extensions from the public funds under its jurisdiction; provided that in each such case it shall secure the recommendation of the manager of utilities, which shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed by the manager that such alternatives exist.

The commission shall also have power to enter into contract for the furnishing of heat, light and power for municipal purposes, and to supervise the performance and check the monthly bills under such contract.

The commission shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning or having jurisdiction over poles, conduits, towers, stations, aqueducts,

3.591 – 3.592

reservoirs and tracks for the operation of any of the utilities under its jurisdiction. It may make such arrangements as it shall deem proper for the exchange of transfer privileges with any privately owned transportation company or system which shall tend toward the betterment of transportation service.

The commission shall observe all city and county ordinances and the regulations of the department of public works relative to utility openings, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and replacing and maintaining street pavements; and in connection with all such matters the said commission shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

The commission shall have charge of all valuation work relative or incidental to purchase proceedings initiated by the city and county for the acquisition of any public utility.

3.592 Utility Departments and Bureaus

The San Francisco municipal railway, the San Francisco water department, the Hetch Hetchy project until the completion thereof when it shall be merged with the water department, or until any time prior to completion that the public utilities commission shall, with the approval of the board of supervisors by a two-thirds vote, declare the project merged with the water department and any other public utility hereafter acquired exclusive of airports or air transportation facilities, shall each be designated as a department under the public utilities commission, and, in addition, the public utilities commission may create a bureau of engineering and such other bureaus as it may deem necessary for the handling of matters that do not pertain exclusively to any one department.

The Hetch Hetchy project shall not be deemed completed until a specific finding of completion thereof has been made by the public utilities commission and approved by the board of supervisors by a two-thirds vote of all members.

The salaries and general expenses of the commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such utilities.

3.593 Manager of Utilities and Other Executives

The public utilities commission shall appoint a manager of utilities who shall be the chief executive of the commission and shall, subject to the approval of the commission, have the management of all utilities, bureaus and operations under its jurisdiction. He shall hold

office at the pleasure of the commission. Subject to the approval of the commission, he shall appoint or remove the heads of departments and bureaus under the commission, exclusive of the civil service provisions of this charter. The manager of utilities and the heads of departments and bureaus shall each possess the necessary executive, administrative and technical qualifications for their respective offices. The manager shall have full power to administer the affairs of the commission as chief executive officer and may, with the consent of the commission, act as the head of any department or bureau created by this charter or by the commission. The salaries of the manager and heads of separate utilities and bureaus shall not exceed prevailing salaries paid those holding similar positions in comparable private employment.

3.594 Legal Advisor

The city attorney, as the legal advisor of the commission, may, with the approval of the commission, compromise, settle or dismiss any litigation or proceedings which may be pending for or on behalf of or against said commission relative to any matter or property under its jurisdiction. He shall detail to the commission such attorneys as the commission may deem necessary, subject to the approval of the commission as to each such attorney or assistant so assigned. The commission shall have authority, subject to the approval of the mayor, to appoint special counsel for temporary purposes. The compensation of all such attorneys shall be paid by the commission from the revenues of the utilities under its jurisdiction.

3.595 Regulation of Street Railways

(a) The public utilities commission, subject to the provisions, limitations and restrictions in this charter contained, shall have power to regulate street railroads, cars and tracks; to permit two or more lines of street railways operating under different management to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by the said railways jointly for such number of blocks consecutively, not exceeding ten blocks; to regulate rates of speed and propose such ordinances to the board of supervisors as are necessary to protect the public from danger or inconvenience in the operation of such roads.

No person, firm or corporation shall ever be granted the exclusive right to operate a street or other railroad through, in or under any tunnel, subway or viaduct constructed or acquired by the levy, in whole or in part, of special assessment upon private property for such construction or acquisition. Two or more lines of street railways

operated under different management may use such tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly. The city and county in the operation of a municipal railway may use any such tunnel, subway or viaduct either singly or jointly with any privately operated railway for the entire length thereof and for any number of blocks approaching each end thereof; and in case of joint use of tracks, shall pay an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly.

(b) In the conduct of the municipal railway there shall be maintained and operated cable car lines as follows:

(1) A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

(2) A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach, returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

(3) A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this section respecting the cable car lines designated in 1, 2 and 3 above, the public utilities commission shall maintain and operate said lines at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the commission from increasing at any time the said levels of scheduling and service.

The fare on any cable car line shall not exceed the local fare established under the provisions of section 3.598 of this charter for other types of carrier equipment employed in the operation of the San Francisco Municipal Railway.

3.595 – 3.597

(c) In the event of the unification, consolidation or merger of the San Francisco Municipal Railway with any privately owned street railway system or with any portion or facility thereof, no line of street railway, bus line, trolley bus line or cable car line, or any portion thereof, which is now or will be owned by the City and County of San Francisco and is now or will be operated by the agency responsible for public transit, shall be abandoned nor shall the service be discontinued thereon except upon recommendation by such agency in writing, to the board of supervisors. The recommendation of such agency shall be acted upon by the board of supervisors within thirty days from the receipt thereof. For the purpose of hearing such recommendation a public hearing shall be held. If the said recommendation is disapproved by at least nine votes it shall not become effective and such services shall be continued. If said recommendation is not disapproved by nine votes of said board the recommendation shall become effective forthwith. Failure of the board of supervisors to act on said recommendation within thirty days shall be deemed as the approval of said recommendation provided that the agency responsible for public transit may without reference or recommendation to the board of supervisors abandon or discontinue service on any line of street railway, bus line, trolley bus line, or cable car line, or any portion thereof, which has been in operation for less than one year next immediately preceding such order of abandonment or discontinuance.

3.596 Utility Accounting

Subject to the provisions of section 3.301, the public utilities commission shall maintain separate accounts for each utility in such manner as to exhibit exact and complete financial results of ownership, management and operation; the actual cost of each utility; all costs of maintenance, extension and improvement; all operating expenses of every description; the general expenses of the commission and bureaus thereof apportioned to each such utility; the amount paid or set aside for depreciation, insurance, interest and sinking fund; and estimates of the amount of taxes that would be chargeable against such property and the revenue thereof if privately owned and operated. All accounts shall be maintained in accordance with forms and requirements of the state railroad commission for public utilities engaged in like character of service, in so far as these shall be applicable to publicly owned and operated utilities.

3.597 Foreign Trade Zones

Foreign trade zones, as may be authorized by acts of Congress to

3.597 – 3.598

be located in the city and county, are hereby declared to be public utilities within the meaning of this charter.

3.598 Utility Rates

The public utilities commission shall have power to fix, change and adjust rates, charges or fares for the furnishing of service by any utility under its jurisdiction, and to collect by appropriate means all amounts due for said service, and to discontinue service to delinquent consumers and to settle and adjust claims arising out of the operation of any said utilities.

Rates may be fixed at varying scales for different classes of service or consumers. The commission may provide for the rendition of utility service outside the limits of the city and county and the rates to be charged therefor which may include proportionate compensation for interest during the construction of the utility rendering such service.

Before adopting or revising any schedule of rates or fares, the commission shall publish in the official newspaper of the city and county for five days notice of its intention so to do and shall fix a time for a public hearing or hearings thereon, which shall be not less than ten days after the last publication of said notice, and at which any resident may present his objection to or views on the proposed schedule of rates, fares or charges.

Rates for each utility shall be so fixed that the revenue therefrom shall be sufficient to pay, for at least the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of said utility, together with the interest and sinking fund for any bonds issued for the acquisition, construction or extension of said utility; provided that, should the commission propose a schedule of rates, charges or fares for said utility which shall not produce such revenue, it may do so with the approval of the board of supervisors, by a two-thirds vote and it shall thereupon be incumbent to provide by tax levy for the additional amount necessary to meet such deficit. All other changes in rates, charges or fares as proposed by the commission shall be submitted by the commission to the board of supervisors for approval, and, except as in this section otherwise provided, it shall require a two-thirds vote of the board of supervisors to reject the rate changes as proposed by the commission, and if so rejected, such proposed changes in schedules or rates, charges or fares shall be returned to the commission for revision. If the supervisors shall fail to act on any such proposed schedule within thirty days, the schedule shall thereupon become effective.

3.599 – 3.600

3.599 Acquisition of Public Utilities

It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county. Whenever the board of supervisors, as provided in sections 7.300 to 7.302, inclusive, and 6.401 (a) of this charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the city and county, or whenever the electors shall petition the supervisors, as provided in sections 7.303, 9.108 and 9.109 of this charter, for the acquisition of any public utility or utilities, the supervisors must procure a report from the public utilities commission thereon.

Part Eleven: Art Commission

3.600 Commission; Composition

An art commission for the city and county is hereby created, consisting of ten members appointed by the mayor and six ex officio members. The ex officio members shall be the mayor and the chairmen of the following boards and commissions: public library, recreation and park, city planning, de Young Memorial Museum and California Palace of the Legion of Honor. The Mayor shall appoint three lay members, and an artist-painter, an artist-sculptor, a musician, a litterateur, two architects and one landscape architect. In appointing the seven professional members, the mayor shall solicit nominations from architectural, art, musical, literary and other cultural organizations of the city.

The first appointments by the mayor shall be made not later than the 15th day of January, 1932, and shall be for the following terms, which shall expire at twelve o'clock noon on the 15th day of January in the respective years: one landscape architect and one lay member, one-year terms; one artist-sculptor and one architect, two-year terms; one musician and one lay member, three-year terms; one litterateur and one architect, four-year terms; and one artist-painter and one lay member, five-year terms. Upon the expiration of the terms, all successive appointments shall be for a period of five years.

The members of the commission shall serve without compensation. No member of this commission shall receive from the city and county, or from any trust, donation, or legacy, any compensation for any service as an artist for the benefit of the city and county.

A quorum for the transaction of official business of the art commission shall consist of six members thereof.

3.601 Functions, Powers and Duties

No work of art shall be contracted for or placed or erected on property of the city and county or become the property of the city and county by purchase, gift or otherwise, except for any museum or art gallery, unless such work of art, or a design or model of the same as required by the art commission, together with the proposed location of such work of art, shall first have been submitted to and approved by the commission. The term "work of art" as used in this charter shall comprise paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures; monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration. No existing work of art in the possession of the city and county shall be removed, relocated or altered in any way without the approval of the commission, except as otherwise provided herein. The commission shall have similar powers with respect to the design of buildings, bridges, viaducts, elevated ways, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city and county, and concerning arches, bridges, structures and approaches which are the property of any corporation or private individual and which shall extend over or upon any street, avenue, highway, park or public place belonging to the city and county. Said commission shall so act and its approval shall be required for every such structure which shall hereafter be erected or contracted for, and may advise in respect to lines, grades and platting of public ways and grounds.

Nothing herein contained shall be construed to limit or abridge the legal powers of the governing boards of the war memorial, the M. H. de Young Memorial Museum or the California Palace of the Legion of Honor.

The commission shall supervise and control the expenditure of all appropriations made by the board of supervisors for music and the advancement of art or music.

The commission shall exercise all reasonable supervision of policy connected with the arts as may hereafter be assigned to it by ordinance or executive action.

The commission shall decide upon any expenditure of less than one thousand dollars (\$1000) within fifteen days after submission, and upon any other matter within thirty days after submission. If it fails so to do, its decision shall be considered unnecessary.

The commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same; and any person contemplating to erect any building or make any improvement may submit the plans and designs or sketches thereof

3.601 – 3.620

to the art commission for advice and suggestions, for which no charge shall be made by the art commission.

Part Twelve: War Memorial

3.610 Board of Trustees; Composition, Functions, Powers and Duties

The board of trustees of the san francisco war memorial shall, under ordinance, have charge of the construction, administration and operation of said war memorial and of the grounds set aside therefor. The board shall consist of eleven members appointed by the mayor, subject to confirmation by the board of supervisors. The terms of office of the incumbent trustees shall expire as heretofore classified by lot, as follows: the terms of four of said trustees shall expire on the 2nd day of January, 1933; three on the 2nd day of January, 1935; and four on the 2nd day of January, 1937. Thereafter appointments to said board shall be for the term of six years. Vacancies on said board shall be filled by the mayor, subject to confirmation by the board of supervisors, for the unexpired term becoming vacant. In making appointments to said board, the mayor shall give due consideration to veterans of all wars in which the United States may have engaged, and to such other classes of persons who may have a special interest in the purpose for which said war memorial is to be constructed and maintained. The members of said board shall serve without compensation.

3.611 Managing Director; Other Employees

The board of trustees of the san francisco war memorial shall have the power to appoint a secretary and a managing director, each of whom shall hold office at its pleasure, and such other employees as may be provided by the annual budget and appropriation ordinance.

Part Thirteen: California Palace of the Legion of Honor

3.620 Board of Trustees; Composition

The california palace of the legion of honor shall be known as such in perpetuity. The management, superintendence and operation thereof and the lands set aside therefor shall be vested in a board of eleven trustees, of which the mayor and the president of the recreation and park commission shall be ex officio members. All

3.620 – 3.624

vacancies occurring in said board shall be filled by the vote of a majority of the remaining members thereof. The number of trustees may be increased from time to time as needed, provided that at no time shall the total number of trustees exceed seventeen. The trustees in office at the time, shall, in their discretion, determine the need for additional trustees. Upon making such determination, the additional trustees shall be elected by the majority of the board then in office. None of said trustees shall receive any compensation for his or her services. Trustees need not be residents of the city and county.

3.621 Functions, Powers and Duties

The board of trustees of the california palace of the legion of honor shall have exclusive charge of the said memorial, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest. It shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose.

3.622 Director and Other Employees

The board of trustees of the california palace of the legion of honor shall appoint a director, curators and secretary, who shall hold office at its pleasure. It shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service and salary standardization provisions of this charter.

3.623 Accounts, Reports and Insurance

The secretary of the board of trustees of the california palace of the legion of honor shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and shall file annually a report with the controller. The trustees shall have power to insure loan exhibits against any risk.

3.624 Compliance with Terms of the Donation

It is the intention that the administration and control of the california palace of the legion of honor shall be continued with the powers granted and under the conditions imposed by the terms of the donation and accepted by the city and county.

3.630 – 3.632

Part Fourteen: The M. H. de Young Memorial Museum

3.630 Board of Trustees; Composition

The M. H. de Young Memorial Museum shall be known as such in perpetuity. The museum and the grounds set aside therefor shall be under the management, superintendence, and operation of a board consisting of eleven trustees, of which the mayor and the president of the park commission shall be ex officio members. All vacancies occurring in said board shall be filled by the vote of a majority of the remaining members thereof. The number of trustees may be increased from time to time as needed, provided that at no time shall the total number of trustees exceed seventeen. The trustees in office at the time, shall, in thier discretion, determine the need for additional trustees. Upon making such determination, the additional trustees shall be elected by the vote of the majority of the board then in office. None of said trustees shall receive any compensation for his or her services.

3.631 Functions, Powers and Duties

The board of trustees of the M.H. de Young Memorial Museum shall have exclusive charge of the said memorial museum, the lands set aside therefor, and its affairs, and of all real and personal property thereunder belonging, or which may be acquired by loan, purchase, gift, devise, bequest, or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise, or bequest. The trustees shall have power to insure loan exhibits against any risk. The park commission shall maintain and care for the grounds of this memorial museum, and shall furnish the moneys for the necessary repair and embellishment of the grounds and unoccupied parts.

The board of trustees shall have the power to maintain, repair or reconstruct existing buildings and construct new buildings and to make and enter into contracts relating thereto, subject, however, to the budget and annual appropriation ordinance.

The board shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose.

3.632 Director; Other Employees

The board of trustees of the M. H. de Young Memorial Museum shall appoint a director, curators and a secretary who shall hold office at its pleasure. It shall appoint such other assistants and employees as may be necessary, who shall be subject to the civil service and salary standardization provisions of this charter.

3.633 – 3.641

3.633 Accounts and Records

The secretary of the board of trustees of the M. H. de Young Memorial Museum shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings, and shall file annually a report with the controller.

3.634 Compliance with Terms of the Donation

It is the intention that the administration and control of the M. H. de Young Memorial Museum shall be continued with the powers granted and under the conditions imposed by the terms of the donations and accepted by the city and county.

Part Fifteen: California Academy of Sciences

3.640 Facilities Under Direction of Academy

The management, superintendence, and operation of all buildings and other improvements heretofore are hereafter erected by or under the authority of the california academy of sciences, a non-profit corporation organized under the laws of the State of California for the promotion of science, on any property owned or controlled by the recreation and park commission of the City and County of San Francisco, shall be in charge and under the direction of said california academy of sciences. The buildings and improvements hereby referred to include, without limitation, the steinhart aquarium, the original natural history museum and the simson african hall, located in golden gate park and erected by or under the authority of the california academy of sciences, together with the additions thereto for the purpose of housing, among other things, the Alexander F. Morrison Planetarium, and auditorium, erected by said california academy of sciences.

3.641 Relationship with City and County

In addition to all other approvals required by law, plans for all proposed buildings and improvements of the california academy of sciences including any additions, must be approved by the recreation and park commission and the art commission. The recreation and park commission, notwithstanding any provisions of the charter to the contrary, is hereby authorized, subject to approval by the board of supervisors by ordinance, to set apart from time to time such portions of property under its control, as may be required for such buildings and improvements, sufficient grounds being allotted to secure the safety of the same from fire.

3.641 – 3.644

The erection of buildings or additions to buildings shall not be started by the california academy of sciences until it shall have submitted a statement satisfactory to the recreation and park commission of its ability to finance the proposed work to completion. All buildings and improvements heretofore or hereafter erected by or under the authority of said california academy of sciences in or on property owned or controlled by the City and County of San Francisco are and shall become the property of the City and County of San Francisco, but said buildings and improvements and all persons employed therein or thereabout shall be used and controlled exclusively by the said california academy of sciences under such proper rules and regulations as it may prescribe, subject, however, to the charter provisions relating to civil service and salary standardization with respect to employees of the city and county. The board of supervisors shall, by ordinance, prescribe the insurance to be furnished by the california academy of sciences to save the city and county harmless from claims for damages to persons or property arising from the construction or use of any of said buildings. Reasonable and appropriate charges may be made by the california academy of sciences for admission to or use of the Alexander F. Morrison Planetarium and auditorium.

3.642 Memorial Buildings

Particular buildings or improvements or portions thereof may be named in memory of persons designated by the california academy of sciences.

3.643 Reports

Not later than the first day of April in each year the california academy of sciences shall file with the mayor and the board of supervisors a statement for the last fiscal year of its expenses and income in connection with the use and operation of each of the buildings included herein.

3.644 Compliance with Terms of Trust

Nothing herein contained shall abrogate any trust under and by which any property of the california academy of sciences has been or shall hereafter be accepted by the city and county or under and by which it is now or shall hereafter be held.

Part Sixteen: Board of Permit Appeals

3.650 Board Composition

The mayor shall appoint five qualified electors, other than city and county officials or employees, for terms of four years, to constitute a board of permit appeals. The compensation for each member shall be fifteen dollars (\$15) per meeting of the board actually attended by such members provided that the total amount paid all members of the board shall not exceed five thousand dollars (\$5,000) per year. One such term shall expire at twelve o'clock noon on the 15th day of January in each of the years 1933, 1934 and 1935, and the remaining two terms at twelve o'clock noon on the 15th day of January, 1936, and upon these and successive expirations the mayor shall appoint their successors for four-year terms.

3.651 Functions, Powers and Duties

Any applicant for a permit or license who is denied such permit or license by the department authorized to issue same, or whose license or permit is ordered revoked by any department, or any person who deems that his interests or property or that the general public interest will be adversely affected as the result of operations authorized by or under any permit or license granted or issued by any department, may appeal to the board of permit appeals. Such board shall hear the applicant, the permit-holder, or other interested parties, as well as the head or representative of the department issuing or refusing to issue such license or permit, or ordering the revocation of same. After such hearing and such further investigation as the board may deem necessary, it may concur in the action of the department authorized to issue such license or permit, or, by the vote of four members, may overrule the action of such department and order that the permit or license be granted, restored or refused.

The board of permit appeals shall have and exercise the following powers:

(a) To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the zoning administrator in the enforcement of the provisions of any ordinance adopted by the board of supervisors creating zoning districts or regulating the use of property in the city and county;

(b) To hear and determine appeals from the rulings, decisions and determinations of the zoning administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section

thereof. Upon the hearing of such appeals said board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the zoning administrator by this charter or by ordinance.

Part Seventeen: Civil Service Commission

3.660 Commission; Composition; Meetings

There is hereby established a civil service commission which is charged with the duty of providing qualified persons for appointment to the service of the city and county.

The civil service commission shall consist of three members appointed by the mayor. The commissioners in office at the time of the adoption of this charter, and this charter section as amended, shall continue in office until the expiration of the terms for which they were appointed, and their successors shall be appointed for terms of six years beginning on the 1st day of July immediately following the expiration of the terms for which they were appointed.

The persons so appointed shall, before taking office, make under oath and file in the office of the county clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of civil service commissioner in the spirit of this declaration."

A commissioner may be removed only upon charges preferred, in the same manner as in this charter provided for elective officers. Each of the commissioners shall receive a monthly salary of one hundred dollars(\$100).

Special meetings of the commission for the purpose of considering and adopting examination questions shall not be open to the public. The regular meetings of the civil service commission shall be open to the public and held at such a time as will give the general public and employees of the city and county adequate time within which to appear before the commission after the regular daily working hours of 8 A.M. to 5 P.M. Such person or persons shall be given an opportunity to be heard by the commission before final action is taken in any case involving such person or persons.

3.661 General Powers and Duties

(a) The civil service commission shall be the employment and personnel department of the city and county and shall determine appointments on the basis of merit and fitness, as shown by

appropriate tests. The commission shall classify, and from time to time may reclassify, in accordance with duties and responsibilities of the employment, and training and experience required, all places of employment in the departments and offices of the city and county not specifically exempted by this charter from the civil service provisions thereof, or which may be created hereafter by general law and not specifically exempted from said civil service provisions. The commission shall likewise classify all other positions or other places of employments in the city and county service specifically exempted from the civil service provisions of this charter, but which, by the provisions of section 8.401, thereof, are made subject to classification for salary standardization purposes on the basis of duties and responsibilities of the employment and training and experience required. The civil service commission shall be the judge of such classification.

The commission shall also, in accordance with duties and responsibilities, allocate, and from time to time may reallocate, the positions to the various classes of the classification. The allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which he has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which his chief may temporarily assign him.

The class titles and class numbers assigned to positions by the commission shall be used in all records, reports, statements and communications, including the compensation schedule, annual budget and salary ordinance, payrolls, and appropriation ordinances.

The commission shall adopt rules to carry out the civil service provisions of this charter and, except as otherwise provided in this charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment, or completion of work; the filling of positions, temporary, seasonal and permanent; classification; approval of payrolls; and such other matters as are not in conflict with this charter. The commission may, upon one week's notice, make changes in the rules, which changes shall thereupon be printed, and be in force; provided that no such change in rules shall affect a case pending before the commission. The secretary may certify eligibles and payrolls and conduct examinations under the rules of the commission.

The commissioners shall have power to institute and prosecute

3.661 – 3.671

legal proceedings for violations of any of the civil service provisions of this charter.

(b) The civil service commission shall establish an inspection service for the purpose of investigating the conduct of and action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the commission in making its investigations and any person hindering the commission or its agents shall be subject to suspension.

Part Eighteen: Retirement Board

3.670 Board Composition

The retirement system shall be managed by a retirement board, which is hereby created, and which shall be the successor and have the powers and duties of the board of administration, the board of trustees of the police relief and pension fund, and the board of fire pension fund commissioners. The retirement board shall consist of the president of the board of supervisors, three members to be appointed by the mayor, and three members elected from the active members, who shall not include retired persons of the retirement system. The members appointed by the mayor shall either hold a degree of doctor of medicine, or shall be experienced in life insurance, actuarial science, employee pension planning, or investment portfolio management, and shall be appointed by the mayor from among three persons whose names shall have been submitted to him for each such appointment by a committee consisting of two members each of the San Francisco Medical Society, Bar Association of San Francisco, San Francisco Real Estate Board and the Greater San Francisco Chamber of Commerce; provided, however, that there shall not be, at any one time, more than one appointed member who holds a degree of doctor of medicine. The term of office of the six members, other than the president of the board of supervisors, shall be five years, and the terms presently in effect for appointed and elected members shall continue to apply. The members of the retirement board shall serve without compensation. Subject to the civil service provisions of this charter, the retirement board shall appoint a secretary-general manager.

3.671 Functions, Powers and Duties

The retirement board shall be the sole authority and judge, under such general ordinances as may be adopted by the supervisors, as to the conditions under which members may receive and may continue to receive benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such

3.671 – 3.680

fund or funds as may be established, provided that all investments shall be of the character legal for insurance companies in California.

3.672 Secretary-General Manager and Actuary

The retirement board shall appoint an actuary, who shall hold office at its pleasure, and the board shall employ a consulting actuary. The secretary-general manager or actuary shall have the power to administer oaths and affirmations in all matters pertaining to the business of the retirement system.

Part Nineteen: Health Service Board

3.680 Board Composition

The health service board shall consist of seven members as follows: the chairman of the finance committee of the board of supervisors, the city attorney, two members appointed by the mayor one of whom shall be a resident official of an insurance company and the other a doctor of medicine, and three members elected by the members of the system from among their number. The city attorney may designate, by written document filed with the board, an assistant city attorney to attend board meetings and to act for him in his place. The terms of office of the members, other than the two ex-officio members, shall be five years, one term expiring on May 15 of each year. The term of one of the elective members shall expire in each of the following years and every five years thereafter; 1959, 1961 and 1963. The term of one of the members appointed by the mayor shall expire in each of the following years and every five years thereafter; 1960 and 1962.

Each member of the health service board shall give bond in the sum of ten thousand dollars (\$10,000), the premium on which shall be paid out of the funds of the system. A vacancy in the offices appointive by the mayor shall be filled by appointment by the mayor for the unexpired term. A vacancy in an elective office shall be filled by a special election to be completed within sixty days after the vacancy occurs unless a regular election is to be held and completed within six months after such occurrence. Candidates for elective membership on the health service board shall be nominated by a written nomination of twenty members filed with the registrar of voters not earlier than April 1st nor later than April 15th of each year in which a vacancy occurs. The registrar of voters shall prepare ballots and shall furnish the same to all members of the system between April 15th and April 25th and shall receive the ballots between April 25th and May 7th and canvass and certify the results on May 8th. The registrar of voters shall have the power to make

3.680 – 3.682

such regulations respecting the form, distribution and canvassing of the ballots as may be necessary to secure secrecy of the ballots and prevent fraud. The persons equal in number to the number to be elected who receive the greatest number of votes shall be declared elected. Not more than one employee of any one department or office may be a member of the health service board.

3.681 Powers and Duties

In addition to the powers and duties provided in Chapter Four of Article 8, the health service board shall have power and it shall be its duty:

(a) To establish and maintain detailed historical costs for medical care, hospital care.

(b) To review such costs annually.

(c) To apply benefits without special favor or privilege.

(d) To put said plans into effect and through its medical director to conduct and administer the same and, for all or any of said purposes, to contract therefor and use the funds of the system.

(e) To make rules and regulations for the transaction of its business, the granting of exemptions and the admission to the system of persons who are hereby made members thereof and such other officers and employees as may voluntarily become members of the system with the approval of the health service board.

(f) To receive, consider and, within sixty (60) days after receipt, act upon any matter pertaining to the administration, operation or conduct of the health service system submitted to it in writing by any member of the system or any person who has contracted to render medical care to the members of the system.

3.682 Medical Director or Executive Officer

The health service board shall appoint a full time medical director who shall be a doctor of medicine with the experience in administering health plans or in comparable work. He shall hold office at its pleasure. The medical director shall have all of the powers and responsibilities of an appointing officer, a department head, and a chief executive under the provisions of the charter. The health service board shall administer the system through the medical director. The medical director shall be responsible to the health service board as a board, but not to any individual member or committee thereof. Instead of a full-time medical director, the board may appoint a full-time executive officer who is not a doctor of medicine, but with experience in administering health plans or in comparable work, and a part-time medical advisor who shall be a doctor of medicine with such experience, and both of whom shall

3.682 – 3.691

hold office at its pleasure. If an executive officer is appointed, the provisions of this and other sections which would apply otherwise to the medical director shall apply equally and instead to the executive officer. The health service board and each committee of the board shall confine its activities to policy matters and to matters coming before it as an appeal board. The health service board shall prepare its plans, rules and regulations so that they are clear, definite and complete and so that they can be readily administered by the medical director and his staff.

Part Twenty: Airports Commission

3.690 Commission; Composition

An airports commission is hereby created, which shall consist of five members, who shall be appointed by the mayor and who shall be subject to recall and to suspension and removal in the same manner as elective officers. The term of each commissioner shall be four years, provided that the first five commissioners to be appointed by the mayor to take office upon the effective date of this charter section, shall, by lot, classify their terms so that the term of one commissioner shall expire at twelve o'clock noon on each of the first, second and third anniversaries of such date, respectively, and the terms of the remaining two commissioners shall expire at twelve o'clock noon on the fourth anniversary of said effective date; and on the expiration of these and successive terms of office, the mayor shall appoint commissioners for four-year terms. The compensation of each commissioner shall be one hundred dollars (\$100) per month.

All rights, claims, actions, orders, obligations, proceedings and contracts relating to the airport department under the public utilities commission existing prior to the effective date of these amendments shall not be affected by the adoption thereof, and shall thereafter be under the jurisdiction of the airports commission.

3.691 Powers and Duties

The airports commission shall have and succeed to all powers and duties in the management and control of San Francisco International Airport heretofore vested in the public utilities commission. The airports commission shall have possession, management, supervision, operation and control of said airport and of all other airport properties wherever situated as it may acquire or which may be placed under its control. In locating and determining the character and type of improvements and additions, betterments or extension to airport properties under its control, the commission shall in each

3.691 – 3.693

case first secure the written recommendation of the director of airports, including analysis of cost, service and estimated revenue of all proposed alternatives determined feasible by said director. Subject to the provisions of section 7.400 of this charter, the commission shall have the power to purchase, lease or otherwise acquire all such lands, property, improvements or related facilities as it may deem necessary or convenient in the exercise of the authority granted hereunder. Nothing contained herein shall authorize the commission to construct, operate or maintain, at any location outside the boundaries of an airport, systems or facilities for the surface or sub-surface transportation of persons or property, provided, however, that the commission is authorized to expend funds for planning such facilities either inside or outside the boundaries of the airport.

Subject to the provisions of section 3.598 of this charter, the airports commission shall have power to fix, change and adjust rates and charges for the furnishing of services.

3.692 Airport Departments and Bureaus

The following divisions shall be established under the airports commission: the division of business administration; the division of operations; and the division of planning and development. In addition, the commission may create a bureau of engineering and such other bureaus as it may find necessary for the handling of matters that do not pertain exclusively to any one airport division, and subject to approval of the commission, the director of airports shall appoint or remove the heads of such bureaus, exclusive of the civil service provisions of this charter. The commission shall also appoint a secretary who shall be exempt from the civil service provisions of this charter.

3.693 Director of Airports

The airports commission shall appoint a director of airports, who shall hold office at the pleasure of the commission. The director of airports shall have full power and authority to administer the affairs of the commission as the chief executive officer thereof. Subject to approval of the commission, the director shall appoint or remove the heads of airport divisions under the commission's jurisdiction. The heads of airport divisions shall be exempt from the civil service provisions of this charter; provided, however, that said director and each division head so appointed shall possess the necessary executive, administrative and technical qualifications for his respective position.

In addition to the powers and duties conferred upon him as elsewhere provided in this charter, the director of airports shall have the power and it shall be his duty: (a) to enforce all orders, rules and

3.693 – 3.701

regulations adopted by the commission relating to the regulation, operation or control of the funds, facilities, property and equipment of said commission; (b) to supervise and manage the design, construction, maintenance and operation of all work or works authorized by the commission and to that end, subject to its control and guidance, the commission shall have the power to delegate to him such necessary powers and duties as are by this charter conferred upon said commission.

The director of airports shall also have the power to designate and assign by written permit lands, improvements, space or areas in any hangar or other building at any airport operated or controlled by the commission at the duly established rates or charges for the use thereof and subject to the applicable rules and regulations governing same. Each such permit shall be revocable by the director of airports without compensation to the permittee upon due notice to be stated therein.

3.694 Legal Advisor

The city attorney, as the legal adviser of the commission, may, with the approval of the commission, compromise, settle or dismiss any litigation or proceedings which may be pending for or on behalf of or against said commission relative to any matter or property under its jurisdiction. He shall detail to the commission such attorneys as the commission may deem necessary, subject to the approval of the commission as to each such attorney or assistant so assigned. The commission shall have authority, subject to the approval of the mayor, to appoint special counsel for temporary purposes. The compensation of all such attorneys shall be paid by the commission from the Airports Revenue Fund.

Chapter Six: General Powers and Duties of Officers

3.700 Powers and Duties of County Officers

Each county officer shall have all the powers conferred and shall discharge all the duties imposed by general laws upon said officer of a county or a city and county of this state, and shall have such other powers and duties as in this charter specifically provided.

3.701 Powers of Hearing and Inquiry

The mayor, the chief administrative officer, the controller, or any board or commission appointed by the mayor relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operation and expenditures, examine the books, papers, records and accounts of, and inquire into matters

3.701 – 4.101

affecting the conduct of any department or office of the city and county, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. It shall be the duty of the chief of police to designate a police officer to serve subpoenas. Any person refusing to obey such subpoena and the other requirements hereof, or to produce such books, shall be deemed in contempt and subject to proceedings and penalties as provided by general law in such instances.

ARTICLE IV.

THE JUDICIAL BRANCH

4.100 Municipal Court

The powers and duties of the municipal court of the city and county shall be as established by the constitution and general law, and said municipal court shall be as constituted and regulated by this charter, except as otherwise provided by general law. The compensation of said judges shall be in full for all services, and any fees required to be collected by law by the municipal court or the clerk thereof shall be paid into the treasury of the city and county. No judge of the municipal court shall practice law in or out of court during his continuance in office.

The presiding judge shall supervise and direct the work of the clerk of the municipal court, and shall be responsible for the proper keeping of records and making of reports by the clerk.

4.101 Municipal Court Regulations and Reports

The judges of the municipal court shall meet at least once in each month, and at such other times as the presiding judge may require, and shall prescribe rules and regulations not inconsistent with general laws as are necessary and proper for the advancement of justice and prevention of delay in the business of the court.

Not later than the tenth day of each month, the presiding judge, through the clerk of the municipal court, shall file with the board of supervisors a consolidated report of the business of the court and the judges thereof for the preceding month. Copies of such reports shall be filed with the city attorney, the district attorney, the chief of police and the clerk of the municipal court. In January of each year, the presiding judge, through the clerk, shall file a similar report covering the preceding calendar year. The board of supervisors may cause copies of such annual reports to be printed for free distribution to citizens who request them.

4.102 – 4.104

4.102 Clerk of the Municipal Court

The clerk of the municipal court shall be appointed by the judges of the court, and shall hold office at their pleasure. The clerk shall appoint, subject to the civil service provisions of this charter, such clerks, stenographers, interpreters and other personnel as may be authorized by appropriation ordinances of the board of supervisors; provided, however, that the sheriff shall, on the order of the court, detail necessary bailiffs to the civil departments thereof, and shall execute the orders and processes issued by the court. The salaries of the clerk and the personnel of the clerk's office shall be fixed by the board of supervisors, as provided by this charter for other city and county employees. The clerk shall have charge, superintendence and control of said office and the personnel thereof, and be responsible for records and reports incidental to the business of the court. He shall have the powers and duties prescribed by general law not inconsistent with this charter.

4.103 Superior Court Appointments

The powers and duties of the superior court are prescribed by state law. The board of supervisors shall provide for the maintenance of the superior court in accordance with the fiscal provisions of this charter.

4.104 Law Library

The San Francisco Law Library, established under an act of the Legislature approved March 9, 1870, shall be under the management and control of the board of trustees, which shall consist of seven appointive members of the San Francisco bar, and the mayor, the presiding judge and the three judges of the appellate department of the superior court, ex officio. All vacancies on said board shall be filled by said board.

The board of trustees shall appoint and at its pleasure may remove a librarian, who shall be its executive officer, and such assistants as are necessary for the proper conduct and operation of the library. The salaries of the librarian and the assistants and employees shall be fixed by the board of supervisors as provided by this charter for other city and county employees.

The supervisors shall provide suitable and sufficient quarters for the law library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The library shall be so located as to be readily accessible to the judges and the officers of the court.

The county clerk and the clerk of the municipal court shall collect

4.104 – 4.105

the fees provided for law libraries by general law and the fees so collected by such officers or by any officers under any other provisions of the law shall be paid to the treasurer of the law library monthly, and shall constitute a law library fund to be expended by the law library trustees in the purchase of books and periodicals, and in the establishment and maintenance of the law library.

The judiciary, city, county and state officials, members of the bar and all inhabitants of the City and County of San Francisco shall have free access, use and enjoyment of the law library, subject to rules and regulations of the board of trustees.

4.105 Probation Boards

The adult probation committee and the juvenile probation board or committee shall continue to exercise their respective powers and duties as fixed by state laws, except as in this charter otherwise provided.

The superior court judges of the city and county presiding in the department or departments for the hearing and disposition of criminal cases and proceedings shall, by order entered in the minutes of the court in the criminal department or departments thereof, appoint the adult probation officer.

A majority of the superior court judges of the city and county shall, by order entered in the minutes of the court in the department of the presiding judge, appoint the chief probation officer of the juvenile court, such appointment to be based on specified professional qualifications to be established and published by a majority of the judges of the superior court.

The chief probation officer of the juvenile court may be removed only by a vote of a majority of the judges of the superior court. The chief probation officer, prior to his removal, may request a hearing before a committee of five judges appointed by the presiding judge.

The adult probation officer shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the adult probation board or committee created by state law.

The chief probation officer of the juvenile court shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the juvenile probation board or committee created by state law.

The salaries of the adult probation officer, the chief probation officer of the juvenile court, their assistants, deputies and employees shall be fixed by the board of supervisors in the same manner as for other officials and employees of the city and county.

The adult probation officer, the chief probation officer of the

4.105 – 5.101

juvenile court and their assistants and deputies shall have the powers conferred upon adult probation officers, probation officers of the juvenile court, their assistants and deputies, by the laws of the State of California; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the board of supervisors.

The civil service provisions of this charter shall apply to and govern the assistants, deputies and employees of the adult probation officer and of the chief probation officer of the juvenile court. For purposes of this charter the adult probation officer shall be the appointing officer as to his assistants, deputies, and employees, subject to confirmation as aforesaid; and the said chief probation officer of the juvenile court shall be the appointing officer as to his assistants, deputies and employees, subject to confirmation as aforesaid.

The pension and retirement provisions of this charter shall apply to and govern the adult probation officer, the chief probation officer of the juvenile court, their assistants, deputies and employees.

ARTICLE V.

THE SCHOOLS

5.100 Board of Education

All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who, commencing with a special municipal election to be consolidated with the direct primary in 1972, shall be elected at large by the voters of the city and county and who shall be subject to recall, and to suspensions and removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be one hundred dollars (\$100) per month. Vacancies occurring on said board shall be filled by the mayor for the unexpired terms.

5.101 Powers and Duties

In addition to the powers conferred by the general laws of the state and other provisions of this charter, the board of education shall have power to establish and maintain such schools as are authorized by the laws of the state as the board may determine, and to change, modify, consolidate or discontinue the same as the public welfare may require.

The board shall also have power to employ such teachers and other persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensations, except as in this charter otherwise provided, and to withhold for good and sufficient cause the whole or any part of the wages, salary, or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers, but no teacher shall be dismissed from the department except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. Appointment, promotion, assignment and transfer of deputy superintendents, principals, assistants, teachers and all other certificated employees shall be made by the board of education upon the recommendation of the superintendent of schools. All promotions of teachers shall be based solely on merit. Nothing in this section shall be construed to prevent the board from removing teachers as provided in this charter and the laws of the state. Charges against teachers must be made in writing by the superintendent after investigation and shall be finally passed upon by the board after giving the accused teacher a fair and impartial hearing before said board.

All teachers shall be classified as permanent employees in their respective positions after they have been successfully employed in such positions in the school department for a probationary period of three years. All heads of departments, vice-principals, principals, supervisors and directors who are appointed prior to July 1, 1971 shall be classified as permanent employees in their respective positions after they have been successfully employed in such positions in the school department for a probationary period of three years. In the absence of any action to the contrary by the board of education at the end of the third year of such employment, the classification shall be considered as permanent. All heads of departments, vice principals, principals, supervisors and directors who are appointed on or after July 1, 1971 or who are otherwise determined not to be permanent employees shall be employed pursuant to four year contracts with the board of education which contracts shall be subject to renewal based upon achieving and maintaining standards of performance, which standards of performance shall be governed by rules and regulations as promulgated by the board of education.

Non-teaching and non-technical positions, and positions not required by law to be filled by a person holding a teaching or other certificate as required by law, shall be employed under the civil service provisions of this charter and the compensations of such persons shall be fixed in accordance with the salary standardization provisions of this charter.

The board of education shall have power to grant and to renew, and, for insubordination, immoral or unprofessional conduct or unfitness for teaching, to revoke teachers' certificates.

The board shall establish regulations subject to the approval of the controller for the disbursement of all moneys belonging to the school department or the school fund or funds, and to secure strict accountability in the expenditure thereof, and to provide for the prompt payment of all salaries due and allowed to officers, teachers, and other employees of the school department.

Notwithstanding any other provision of this charter to the contrary, the board of education of the San Francisco Unified School District may authorize payment of the annual compensation of certificated employees in twelve equal payments, the first such equal payment being made on or before the 5th day of August of each school year, and continuing each month thereafter until the full annual compensation shall be paid, provided that the last equal payment shall be made not later than the 5th day of July of the succeeding school year, and provided further that in the event that the certificated employee for any reason does not perform the full year of service, said certificated employee shall receive only such amount as is authorized by the school code of the State of California. In the event said certificated employee has been paid an amount greater than such employee is entitled to receive under the provisions of the school code of the State of California, said certificated employee shall be liable therefor and within thirty days after such excess payment said certificated employee shall reimburse the San Francisco Unified School District for the excess, and said certificated employee shall not be paid any of his retirement accumulations or credits until the San Francisco Unified School District has been reimbursed for the said excess.

The board shall, between the 1st and 21st days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and other employees of the school department. Compensations of non-teaching and non-technical employees shall be fixed in accordance with the salary standardization provisions of this charter.

The superintendent of schools shall be the executive officer of the board of education. He shall be appointed by said board to serve for a term of four years and he shall receive an annual salary of \$10,000 unless an increase in said salary shall be fixed by the board of education and approved by the board of supervisors.

During his term of office the superintendent may be removed from his office, as in this section hereinafter provided, for misconduct or incompetency after charges setting forth the nature and character of said misconduct or incompetency are filed against the

said superintendent. Said charges must be in writing and shall be signed by at least two members of the board of education. A copy of said charges, together with a notice of the time and place of the hearing on the same, shall within five days after the filing of the same be served upon the said superintendent. The mailing of a copy of said charges, with notice of time and place of hearing on the same, by United States registered mail, with the proper amount of postage prepaid thereon, addressed to said superintendent at his last known place of residence, shall be deemed to be a service of said charges as provided for in this section. A public hearing on said charges shall be had by the board of education not less than ten, nor more than twenty days after the filing of said charges, provided that full power and authority is hereby given to the board of education to continue said hearing from time to time not to exceed sixty days from the commencement thereof, provided that for good cause said board may grant a further continuance on said hearing. The superintendent shall have the right to answer said charges, to appear at the hearing thereof and to be represented by counsel thereat for the purpose of defending himself against said charges. Pending the determination of said charges, the superintendent may be suspended from his office by a majority vote of the board of education, and the board may appoint a qualified person to discharge the duties of said superintendent during the period of suspension. If the board of education after hearing said charges shall by a two-thirds vote of all the members, determine that said charges have been sustained, it may by the same vote remove said superintendent from his office. No member of the board shall be entitled to vote on the removal of said superintendent unless he or she has been present at the entire hearing of such charges, provided that any member of the board who has not been present may vote for the removal of the superintendent, if such member has read a transcript of all the testimony taken on said hearing during his absence therefrom, and shall file with the board an affidavit to this effect. If said charges are not sustained by a two-thirds vote of all the members of said board, or if after said charges are sustained, the superintendent is not removed from office as a result thereof, said superintendent shall be reinstated in his position and shall be allowed his salary for the time that he has been under suspension, together with the costs of defending himself against said charges, including a reasonable fee for his attorney to be fixed and allowed by the board. If the charges are sustained, and as a result thereof said superintendent is removed from office, no further salary shall be allowed to said superintendent from the date of his suspension. In the hearing and determination of said charges filed against said superintendent, the judgment of said board of education

5.101 – 5.104

shall be final unless in determining the sufficiency of said charges said board of education commits a clear abuse of discretion.

The superintendent shall have the powers and duties specified by this charter for department heads, in addition to such powers and duties as are fixed by general law.

The positions of superintendent and associate and assistant superintendents shall be held only by persons of expert or technical training, but shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided however, that during their incumbency appointees to such positions shall reside in the city and county, and in case any appointee shall fail so to do, his appointment shall at once be revoked by the board.

The superintendent may appoint a confidential secretary who shall hold office at his pleasure.

5.103 Non-Certificated School Cafeteria Employees

All non-certificated public school cafeteria employees of the San Francisco Unified School District, except those holding part-time positions, which are within the limitations as set forth in section 8.300 (a) (2) of this charter shall be governed by and shall be subject to the civil service and other provisions of this charter.

5.104 Board of Education—Community College District

Notwithstanding the provisions of section 5.100 or of any other provisions of this charter, on and after August 8, 1972, the community college district of the city and county shall be under the control and management of a board of education, hereinafter referred to as the governing board of said district, composed of seven members who are not members of the board of education of the unified school district of the city and county and who shall be elected at large by vote of the electors as in this section provided and who shall be subject to recall, and to suspensions or removal in the same manner as elective officers, as provided by this charter. The compensation of each member shall be one hundred dollars (\$100) per month.

At a special municipal election to be consolidated with the direct primary in 1972 there shall be elected seven members of the governing board of the community college district of the city and county. The term of each member shall be four years; provided, however, that the respective terms of office of the members first elected shall commence at twelve o'clock noon on the 8th day of August, 1972, and shall expire as follows: the respective terms of office of the four members receiving the highest number of votes

5.104 – 6.200

respectively at said election shall expire at twelve o'clock noon on the 8th day of January, 1977; the respective terms of office of the three members receiving the next highest number of votes respectively shall expire at twelve o'clock noon on the 8th day of January, 1975.

At the general election in 1974 there shall be elected three members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the governing board of the community college district shall be elected, and at the general election in 1976 there shall be elected four members of the governing board of the community college district of the city and county to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1977, and at the general election in each fourth year after 1976, the successors to said four members of the governing board of the community college district of the city and county shall be elected. Except as set forth herein, all terms of office of members of the governing board of the community college district of the city and county shall commence at twelve o'clock noon on the 8th day of January following the date of their election.

The superintendent of the community college district shall be the executive officer of the governing board. He shall be appointed by said board to serve for a term of four years at an annual salary to be fixed by the board. Otherwise the provisions of sections 5.101 and 5.102 of this charter apply to the community college district.

ARTICLE VI.

THE BUDGET AND FISCAL ADMINISTRATION

Chapter One: Fiscal Year

6.100 Date of Commencement

The fiscal year for the city and county shall begin on the 1st day of July of each year.

Chapter Two: The Budget

6.200 Preparation and Submission of Budget Estimates

The budget estimate for every department and office of the city and county, whether under an elective or an appointive officer or a

board or commission, and separately for each utility under the control of the public utilities commission, shall be filed by the executive of such department with, and shall be acted upon by, such board or commission. All budget estimates shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The public utilities commission and the board of education must hold public hearings on their respective budget proposals. Each such elective and appointive officer, board or commission shall, not later than the 1st day of February of each year, file with the controller for check as to form and completeness two copies of the budget estimate as approved.

The chief administrative officer shall obtain in ample time to pass thereon budget estimates from the heads of departments or offices subject to his control, and, after adjusting or revising the same, not later than the 1st day of February he shall transmit such budget estimates to the controller.

The controller shall check such estimates and shall upon his request, be furnished with any additional data or information. Not later than the 1st day of March of each year he shall consolidate such budget estimates and transmit the same to the mayor.

He shall at the same time transmit to the mayor a summary and recapitulation of such budget estimates, segregated by separate departments or offices and units thereof, or by purposes for non-departmental expenditures, and arrange according to classification of objects of expenditure, as required by the controller, to show the amount of proposed expenditures and estimated revenues in comparison with the current and previous fiscal year's expenditures and revenues.

He shall submit at the same time (1) statements showing revenues and other receipts, including the estimated unencumbered surplus in any item or fund at the beginning of the ensuing fiscal year, segregated according to specific or general purposes to which such revenues or receipts are legally applicable, for the last complete fiscal year and for the first six months of the current fiscal year, with estimates thereof for the last six months of the current fiscal year, together with estimates of such revenues and receipts for the ensuing fiscal year; (2) statements of the amounts required for interest on, and sinking fund or redemption of, each outstanding bond issue, and for tax judgments, and other fixed charges, together with estimates of interest required on bonds proposed to be sold during the ensuing fiscal year, and statements of the city's authorized debt, and judgments outstanding at the time the budget estimates are submitted.

6.201 -- 6.202

6.201 Form of Budget Estimates

The classification of proposed expenditures included in budget estimates shall be uniform for all departments, offices, bureaus, divisions and branches. The estimates shall include or be accompanied by the following information:

(1) An itemized estimate of the total expense of conducting each department, bureau, division, office or board for the ensuing fiscal year, together with a separate schedule of the proposed work program.

(2) Statements of the expenditures by items for the last complete fiscal year, and for the first six months of the current fiscal year, together with an estimate of probable expenditures by items for the last six months of the current fiscal year.

(3) The reasons for proposed increases or decreases, as compared with the current fiscal year, in any items of the proposed estimate.

(4) A schedule of positions and compensations showing any increases or decreases requested in the number of positions or rates of pay.

(5) Such other information as the mayor or the chief administrative officer may deem desirable.

6.202 Preparation and Submission of Capital Improvement Program

Each officer, board and commission shall annually, on or before the first day of October, file with the department of city planning a schedule describing all capital improvement projects which are proposed for inclusion in the budget for the ensuing fiscal year, together with a schedule of all capital improvement projects which in the opinion of such officer, board or commission should be undertaken in the five succeeding years.

The department of city planning shall prepare and submit to the mayor, the board of supervisors, the controller, and each officer, board, or commission concerned, on or before the 20th day of January, a report recommending a program of capital improvements based on the projects submitted.

The report shall state whether each of the proposed capital improvement projects conforms to the master plan, and if conflict exists, the report shall give the particulars of the differences between the proposed capital improvement projects and the master plan; provided, however, that if any such capital improvement project does so conflict, it shall be the duty of the department of city planning, prior to the submission of its related report, to confer with the officer, board, or commission concerned for the purpose of modifying either the project plan or the master plan in an endeavor to eliminate conflict as far as may be possible.

6.202 – 6.203

The report shall also include the recommendations of the department of city planning for additional capital improvement projects and for the advance planning and acquisition of land necessary for the development of all capital improvement projects.

Requests for supplemental appropriations for capital improvement projects, which projects have not been previously submitted to the department of city planning, shall be subject to all of the provisions herein contained except time, and the department of city planning shall report on each such proposal within thirty days from the date that each such proposal is filed with it.

The board of supervisors shall not appropriate any money for any capital improvement project which has not been referred to and reported on by the department of city planning in accordance with the provisions of this section.

The department of city planning shall report to the board of supervisors within the time limits herein established.

6.203 Powers and Duties of the Mayor

The mayor shall hold such public hearings on these budget estimates as he may deem necessary and may increase, decrease or reject any item contained in the estimates, excepting that he shall not increase any amount nor add any new item for personal services, materials, supplies or contractual services, but may add to the requested appropriations for any public improvement or capital expenditure; but he shall add to requested appropriations for any public improvement or capital expenditure only after such items have first been referred to the department of city planning and a report has been rendered thereon regarding conformity with the master plan. It shall be the duty of the department of city planning to render its reports in writing within thirty days after said referral. Failure of the department of city planning to render any such report in such time shall be deemed equivalent to a report. The budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the mayor.

Not later than the 15th day of April in each year, the mayor shall transmit to the board of supervisors the consolidated budget estimates for all departments and offices of, and the proposed budget for, the city and county for the ensuing fiscal year, including a detailed estimate of all revenues of each department and an estimate of the amount required to meet bond interest, redemption and other fixed charges of the city and county, and the revenues applicable thereto. He shall, by message accompanying such proposed budget, comment upon the financial program incorporated therein, the important changes as compared with the previous budget, and bond issues, if any, as recommended by him.

6.203 – 6.204

The mayor shall submit to the board of supervisors, at the time that he submits said budget estimates and said proposed budget, a draft of the annual appropriation ordinance for the ensuing fiscal year, which shall be prepared by the controller. This shall be based on the proposed budget and shall be drafted to contain such provisions and detail as to furnish an adequate basis for fiscal and accounting control by the controller of each revenue and expenditure appropriation item for the ensuing fiscal year.

6.204 Publication

Upon submission, the proposed annual appropriation ordinance shall be deemed to have been regularly introduced.

The detail of the proposed budget shall be as follows:

- (1) Total cost for conducting each department, bureau, office, board or commission for the ensuing fiscal year, segregated according to basic objects of expenditure for each.
- (2) A detail schedule of positions and compensations, showing any increases or decreases in any department or office.
- (3) A detail schedule of items for capital outlay.
- (4) The aforementioned consolidated estimates and schedules shall also include by items contained therein the following information:
 - (a) Expenditures for the last complete fiscal year.
 - (b) Estimated expenditures for the current fiscal year.
 - (c) Proposed increases or decreases as compared with the budget allowances for the current fiscal year.

The board of supervisors shall cause copies of the mayor's budget message and proposed budget thus prepared, including comparative expenditures and revenues for the current and preceding fiscal years and other information transmitted therewith, to be made available for official use and to be placed and maintained for public inspection in the respective offices of the clerk of the board of supervisors and the controller, the main, branch and law libraries, and such other public locations as the board in its discretion may designate.

Within five days following receipt of the proposed budget by the board of supervisors, the controller shall submit to the board a brief and simple summary of its contents in a form prescribed by the controller and designed to aid the residents of the city and county in understanding and evaluating the need for, purposes, unit costs, intended results and supportive revenue sources of each departmental program. Upon submittal of the summary, the board shall cause it to be published and shall cause copies to be made available to the public.

6.205 Powers and Duties of the Board of Supervisors

The board of supervisors shall fix the date or dates, not less than ten days after receipt from the mayor, for consideration of and public hearings on the proposed budget and proposed appropriation ordinance.

The board of supervisors may decrease or reject any item contained in the proposed budget, but shall not increase any amount or add any new item for personal services or materials, supplies, or contractual services, for any department, unless requested in writing so to do by the mayor, on the recommendation of the chief administrative officer, board, commission or elective officer, in charge of such department.

The board of supervisors may increase or insert appropriations for capital expenditures and public improvements, but shall do so only after such items have first been referred to the department of city planning and a report has been rendered thereon regarding conformity with the master plan. It shall be the duty of the department of city planning to render its reports in writing within thirty days after said referral. Failure of the department of city planning to render any such report in such time shall be deemed equivalent to a report.

The budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the board of supervisors.

In the event the public utilities commission and the mayor shall propose a budget for any utility which will exceed the estimated revenue of such utility, it shall require a vote of two-thirds of all members of the board of supervisors to approve such budget estimate and to appropriate the funds necessary to provide for the deficiency.

Such budget of expenditures in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.407 (a) of this charter and any other section deemed in conflict herewith.

6.205 – 6.207

After public hearing, and not earlier than the 15th of May, nor later than the 1st day of June, the board shall adopt the proposed budget as submitted or as amended and shall pass the necessary appropriation ordinance.

6.206 Veto

Any item in an appropriation ordinance passed pursuant to section 6.205 of this charter except for bond interest, redemption or other fixed charges, may be vetoed in whole or in part by the mayor within ten days of receipt by him from the clerk of the board of supervisors of the ordinance as passed by the board, and the board of supervisors shall act on such veto not later than the 20th day of June.

6.207 Annual Salary Ordinance

The number and rates of compensation for all positions continued or created by the supervisors in adopting each annual budget, and each annual or supplemental appropriation ordinance, shall be established and enumerated in an ordinance continuing and creating positions in city and county departments and offices, and providing the rates of compensation therefor, which ordinance shall be passed or amended at the same time as the annual or supplemental appropriation ordinance is passed. Such ordinance shall be subdivided for each department or office and each organization subdivision thereof. The number of positions enumerated therein shall be segregated by classes according to the civil service classification of employment and the positions in any department or office under any such class shall not be listed individually or subdivided, except where necessary to show varying rates of pay for employments included in any such class. Rates of compensation enumerated shall be those established by salary standardization schedules, and shall not be listed for individuals or individual positions, except where the compensation of incumbents is higher than the rate fixed by salary standardization, which compensation shall not be reduced so long as the incumbents legally hold such positions. Notwithstanding the provisions of section 2.300 of this charter with respect to amendment of sections of ordinances any change in the number of positions allowed for any department or office, and seniority or other compensation increases authorized as provided elsewhere in this charter for officers or employees, may be covered by amendment of the appropriate item or items of the ordinance herein referred to. The said ordinance shall constitute the legal basis for check by the civil service commission or the controller as to the legality of the creation of any position in the city and county service and the rate of compensation fixed therefor.

6.208 – 6.301

6.208 Tax Levy

On or before the 15th day of September of each year, the board of supervisors by ordinance shall levy a tax, the estimated proceeds of which, together with the total amount of receipts and revenues estimated to be received from all sources, will be sufficient to meet all appropriations made by the annual appropriation ordinance.

Chapter Three: Fiscal Administration

6.300 Effect of Appropriation Ordinance

Subject to the restrictions of section 6.301, the several amounts of estimated revenue and proposed expenditures contained in the annual appropriation ordinance as adopted by the board of supervisors shall be and become appropriated for the ensuing fiscal year to and for the several departments, bureaus, offices, utilities, boards or commissions, and for the purposes specified, and each department for which an expenditure appropriation has been made shall be authorized to use the money so appropriated for the purposes specified in the appropriation ordinance, and within the limits of the appropriation. The appropriation ordinance shall constitute the authority for the controller to set up the required revenue and expenditure accounts. Appropriation items for bond interest, bond redemption, fixed charges and other purposes not appropriated to a specific department shall be subject to the administration of and expenditure by the chief administrative officer for the respective purposes for which such appropriations are made.

6.301 Allotments

The several items of expenditure appropriated in each annual appropriation ordinance, being based on estimated receipts, income or revenues which may not be fully realized, it shall be incumbent upon the controller to establish a schedule of allotments, monthly or quarterly as he may determine, under which the sums appropriated to the several departments shall be expended. The controller shall revise such revenue estimates monthly. If such revised estimates indicate a shortage the controller shall hold in reserve an equivalent amount of the corresponding expenditure appropriations set forth in any said annual appropriation ordinance until the collection of the amount as originally estimated is assured, and in all cases where it is provided by this charter that a specified or minimum tax shall be levied for any department the amount of the appropriation in any annual appropriation ordinance derived from taxes shall not exceed the amount actually produced by the levy made for said department.

6.301 – 6.302

The controller in issuing warrants or in certifying contracts or purchase orders or other encumbrances, pursuant to section 6.302 of this charter, shall consider only the allotted portions of appropriation items to be available for encumbrance or expenditure and shall not approve the incurring of liability under any allotment in excess of the amount of such allotment. In case of emergency or unusual circumstance which could not be anticipated at the time of apportionment, an additional allotment for a period may be made on the recommendations of the department head and that of the chief administrative officer, board or commission and the approval of the controller. After the allotment schedule has been established or fixed, as heretofore provided, it shall be unlawful for any department or officer to expend or cause to be expended a sum greater than the amount set forth for the particular activity in the said allotment schedule so established unless an additional allotment is made, as herein provided.

6.302 Encumbrances

Accounts shall be kept by the controller showing the amount of each class or item or revenue as estimated and appropriated in the annual appropriation ordinance, and the amount collected. Accounts shall also be kept by the controller of each expense appropriation item authorized by the board of supervisors. Every warrant on the treasury shall state specifically by title and number the appropriation item against which such warrant is drawn.

Each such revenue and expense account shall show in detail the amount of the appropriation or appropriations made therefor by the supervisors, the amount drawn thereon, the amount of encumbrance for purchase orders, contracts or other obligations theretofore, certified by the controller as against it, and the unencumbered balance to the credit thereof. This balance shall be the "unencumbered balance" as this term is used in this charter.

No obligation involving the expenditure of money shall be incurred or authorized by any officer, employee, board or commission of the city and county unless the controller first certify that there is a valid appropriation from which the expenditure may be made, and that sufficient unencumbered funds are available in the treasury to the credit of such appropriation to pay the amount of such expenditure when it becomes due and payable.

Each such certification shall be immediately recorded by the controller. Each sum so recorded shall be an encumbrance for the purpose certified until such obligation is fulfilled, cancelled or discharged, or until the ordinance or resolution is repealed by the board of supervisors.

6.303 – 6.304

6.303 Disbursements

No money shall be drawn from the treasury of the city and county, nor shall any obligation for the expenditure of any money be incurred except in pursuance of appropriations or transfers made as in this charter provided.

All warrants shall be drawn by the controller, in payment of claims, prepared and signed by the responsible official, for services, supplies and other obligations against the city and county, supported by proper invoices, bills and other necessary data.

The controller shall audit such claims. If he finds the same to be correct and proper in all particulars, and clearly within the purposes for which the appropriation item to which it is charged was made, and that there is an adequate balance in such appropriation item to meet the payment, he shall draw and approve the warrant therefor.

If all or any portion of the claim is not correct, or if all proceedings required incidental to such payment have not been followed, the controller may approve such part of such claim as he shall find correct and draw the warrant therefor, or he may return the claim to the department concerned with his disapproval.

Prior to his drawing any warrant therefor, the controller may, in addition to any other inspection required by any other official, make such investigation and inspection as he deems necessary as to the quality, quantity and condition of services, material, supplies or equipment received by any officer or department for which payment is to be made by such warrant. If, in his opinion, any claim is not legal, he shall withhold approval of the same and immediately return such claim, together with a statement of his action thereon and reason therefor, to the responsible official, or transmit the same to the mayor for instructions. No warrant shall be drawn in payment of a claim against a fund in which there is an insufficient unencumbered balance for the payment thereof. Such claims, if legal, shall be registered by the controller in the order of receipt by him, and shall be paid in such order as moneys to cover the same become available in the proper fund.

6.304 Disbursements in Advance of Revenues

The board of supervisors, by annual tax levy, may gradually build up the cash reserve fund authorized and created by the provisions of section 6.306 of this charter. Said fund shall be used exclusively (1) for the payment in any fiscal year of legally budgeted expenditures for such year in anticipation of the collection, after the close of such fiscal year, of legally collectible taxes and other revenues, as set forth in the budget and the appropriation ordinance for such fiscal year,

and (2) for paying that portion of the authorized expenses of the city and county for any fiscal year, which, as certified to said board by the controller, becomes due and payable and must be paid prior to the receipt of tax payments for such fiscal year; provided, that such cash reserve fund shall not at any time exceed the estimated expenditures for the first five months of the then current fiscal year, less the amount of estimated revenues and receipts from sources other than tax rate revenues.

In the event that funds are not available in such a cash reserve fund to meet authorized expenditures of any fiscal year, the board of supervisors, on the recommendation of the controller and the mayor, and the written approval of the officer, board or commission responsible for the management and control of the fund from which it is proposed that the temporarily idle balances be transferred or loaned may, by ordinance, authorize the treasurer to make temporary transfers or loans for specified periods of idle unencumbered balances in any fund in his custody, except a pension fund, at not less than the then current rate of interest paid by the banks to the city and county on city and county funds deposited with such banks. Such approval by the officer, board or commission concerned shall specify that the amount proposed to be transferred or loaned from such fund will not be needed for the purpose of such fund prior to the date specified for its return. The fund from which such transfer or loan is made shall be charged or encumbered with the amount of such transfer or loan and such amount shall not be considered as available in such fund for any other appropriation or encumbrance for which any expenditures or payments must be made prior to the date on which the transfer or loan is repaid. Any transfer or loan made as herein authorized during the first half of any fiscal year shall be repaid prior to the 1st day of January of said year, and any transfer or loan made during the remaining one-half of said fiscal year shall be repaid prior to the 15th day of May of said year. Such loans shall be secured by and made solely in anticipation of the collection of taxes levied or to be levied for the current fiscal year, and such loans shall constitute the first demand on and shall be repaid from the first tax collections for such current fiscal year; provided, however, that tax anticipation loans made as hereinafter in this section authorized, shall constitute a prior lien on said taxes levied or to be levied or collected.

When funds shall be needed for the immediate requirements of the city and county in any fiscal year in accordance with appropriations made as authorized by this charter for such fiscal year, which payments may be made in advance of the receipt of income from such fiscal year, and when funds therefor cannot be made available as

hereinbefore in this section authorized, the board of supervisors on the recommendation of the controller and the approval of such recommendation by the mayor, shall have power to borrow money on notes or other evidences of indebtedness on behalf of the city and county. Said power shall be exercised by ordinance or ordinances authorizing the borrowing of said money and the execution of said notes or other evidences of indebtedness. The aggregate amount of such notes or other evidences of indebtedness outstanding and unpaid at any one time during any part of the fiscal year in which said borrowing is made shall not be in excess of 25 per cent of the estimated aggregate amount of all taxes actually levied for such fiscal year. All such notes or other evidences of indebtedness shall be offered at public sale by the board of supervisors after not less than two days of advertising, not less than three days after the last day on which such advertising is published. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the city and county; provided, however, that the rate of interest to be paid shall not exceed the sum of six (6) per centum per annum, and full authority is hereby given to said board of supervisors to fix, by resolution, the rate of interest on said notes or other evidences of indebtedness and the times and places where the principal sum of said notes or other evidences of indebtedness shall be paid. The principal amount of said notes or other evidences of indebtedness together with the interest thereon, issued and delivered under authority of this section shall be payable exclusively out of the taxes levied and collected by said city and county for the fiscal year during which the same are issued, and shall constitute a first lien and charge against the taxes collected during the half of the fiscal year in which said money shall be borrowed and shall be repaid from the first moneys received from said taxes; and the amount of taxes so levied and collected shall be applied to the payment of said notes or other evidences of indebtedness before any part thereof is used for any other purpose; provided, however, that taxes levied for the payment of principal of, or interest on, any bonded indebtedness of said city and county now outstanding or hereafter created shall be applied to the purpose for which such taxes were levied, unless the money borrowed by such notes or other evidences of indebtedness issued against such tax levies is in fact applied to the payment of the principal and interest of such bonded indebtedness. If at the time said notes or other evidences of indebtedness, or any of them, become due and payable the funds in the city treasury available for the payment thereof shall be insufficient for the payment in full of all of said notes or other evidences of indebtedness then outstanding such funds shall be applied pro rata to the payment of the principal

6.304 – 6.305

and interest of all of the notes or other evidences of indebtedness then issued and outstanding without preference or priority of any one note over any other by reason of prior issuance, or otherwise. Any of said notes or other evidences of indebtedness not paid prior to June 30 of the fiscal year during which the same are issued shall, nevertheless, be paid out of moneys received from the taxes of the said fiscal year, irrespective of the date of the receipt thereof, it being the intent and purpose of this section to provide for the payment of all notes or other evidences of indebtedness issued under authority of this section out of the taxes levied for the fiscal year during which said notes or other evidences of indebtedness are issued irrespective of the actual date of the collection of said taxes.

The board of supervisors shall have full power and authority to provide for the form of all notes or other evidences of indebtedness issued by authority of this section, as well as to fix the time and place for the payment of both the principal amount of said notes or other evidences of indebtedness and the interest to become due thereon; provided that all notes or other evidences of indebtedness issued for money borrowed during the first half of any fiscal year shall be payable not later than December 31 of said year; and all notes or other evidences of indebtedness issued for money borrowed during the second half of any fiscal year shall be payable not later than May 15 of such year, it being the intent and purpose of this section that the borrowing of money under authority hereof shall be solely for the purpose of anticipating receipt of income. The mayor, in preparing the consolidated budget estimate as provided by this charter, shall include therein a separate amount sufficient to meet the interest to be paid on any moneys borrowed under authority of this section.

6.305 Transfers

Upon written recommendation of the chief administrative officer, or board or commission for the use of which funds have been appropriated, and the approval of the mayor, the board of supervisors may transfer an unencumbered balance, or part thereof, of an appropriation made for the use of one department, to another. No such transfer shall be made of utility, bond, school, pension or trust funds, except by way of loans as in this charter provided. On request of a department head and approval by the chief administrative officer, board or commission, respectively, and on the authorization of the controller, funds appropriated for a specific purpose of such department which become surplus may be transferred and used for another specific purpose within the department; provided, however, that such surplus shall not be transferred to a capital improvement

6.305 – 6.306

project unless such project shall have been previously approved in accordance with the provisions of sections 3.527, 6.202, 6.203, or 6.205 of this charter. The controller shall prescribe the method to be used in making payments for interdepartmental services.

6.306 Cash Reserve Fund and Supplemental Appropriations

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the city and county for any such fiscal year, including such balances in revenue and expense appropriations provided under the provisions of section 6.400 (a) of this charter for libraries, parks and squares, playgrounds and civil service in any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during any such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the controller, at the closing of such fiscal year, to a "cash reserve fund" which is hereby created and which may be used only in the manner authorized by section 6.304 of this charter; provided, however, that when the balance in said cash reserve fund shall equal ten (10) per centum of the current or the last preceding tax levy no such transfer shall be made by the controller except on the recommendation of said controller, the approval of the mayor and the authorization of the board of supervisors, by majority vote.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as hereinbefore in this section defined, when not transferred to the cash reserve fund as hereinbefore in this section required or authorized, shall be held as surplus.

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the board of supervisors at the last meeting of such board in any month, by means of an ordinance designated as a supplemental appropriation ordinance, on the recommendation of the chief administrative officer, or any board, commission or elective officer, respectively, and the approval and submission by the mayor of a supplemental budget estimate or request, in the same manner and subject to the same conditions, except time, as provided in this charter for the submis-

6.306 – 6.308

sion and approval of the annual budget and the appropriation ordinance.

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the board of supervisors unless the controller first certify to such board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditure will be available in the treasury in sufficient amount to meet the same as it becomes due.

6.307 Emergency Reserve Fund

The tax rate may be fixed by the board of supervisors so as to produce, by a specifically designated rate, as recommended by the mayor in any proposed annual budget and the appropriation ordinance therefor, an amount necessary for an emergency reserve fund, which fund is hereby created, for the purposes of meeting any emergency as defined in sections 2.301 or 3.100 of this charter. Appropriations from such emergency reserve fund shall be made only on the recommendation of the department head concerned, the approval of the chief administrative officer or the board or commission in charge of such department, the recommendation of the mayor to the board of supervisors that such appropriation be made, and the vote of three-fourths of the board of supervisors.

The balance in said emergency reserve fund at the end of any fiscal year shall be maintained and carried forward in said fund. The annual appropriation for said fund and the annual tax rate therefor shall not exceed one per centum of the amount of the levy required to meet all other expense appropriations unless and until the accumulated and unencumbered balance in said fund shall amount to a sum not to exceed three per centum of the tax levy required to meet all other expense appropriations in the then current fiscal year. The board of supervisors, on the recommendation of the mayor, may make appropriations to and may levy taxes for said emergency reserve fund in excess of said three per centum of the tax levy for all other purposes.

6.308 Revolving Funds

The board of supervisors, on the recommendation of the mayor, in any proposed annual budget, may, in the approval of such budget and the annual appropriation ordinance therefor, establish departmental revolving funds to be used as petty cash funds for specific purposes and to be subject to settlement with, and audit by, the

6.308 – 6.310

controller at least monthly, as provided in section 3.303. The mayor shall recommend and the supervisors shall establish revolving funds designated in this charter as the special election fund and the purchaser's revolving fund, and they shall respectively recommend and establish such revolving funds as may be necessary to facilitate the operation of each utility and institution of the city and county.

6.309 Clearing House Representative

The board of supervisors, by ordinance, upon the recommendation of the mayor, the treasurer and the controller, may designate any bank qualified to be a depository under this charter to be the clearing house representative of the city and county, and the city and county may pay a reasonable fee for the service thereof. The necessary procedure shall be provided by ordinance.

6.310 Custody of Moneys and Securities

The board of supervisors shall by ordinance provide for the safe custody of all money and property in the possession or under the control of the treasurer. Pending the adoption of such ordinance, moneys and securities in possession of the treasurer shall be deposited in a joint custody safe with two combination locks, both of which must be unlocked to open the safe. The combination of one lock shall be known only to the treasurer and one deputy in his office selected by him, and the combination of the other shall be known only to the controller and such assistant in his office as shall be selected by him. The joint custody safe shall be opened only in the presence of the treasurer and either the controller or the assistant in his office having knowledge of the combination, or in the presence of the controller and either the treasurer or the assistant in his office having knowledge of the combination, and either the controller or the said assistant shall attend, at the request of the treasurer, to open the joint custody safe.

A complete record of moneys and securities on deposit in the joint custody safe shall be kept in a joint custody account and the record of any withdrawals shall be verified by the initials of the controller or his said assistant and the treasurer or his said assistant. Money required for current daily payments to be made from the treasury may be withdrawn from the joint custody safe and deposited in another safe, and the balance thereof shall be verified daily at the close of business hours by the treasurer and the controller.

6.311 Receipt, Deposit and Investment of Funds

Disbursement of all public or other funds in the custody of the treasurer, except reimbursement transfers between departments as provided in section 6.305, shall be made only on warrants drawn by the controller. All moneys and checks received by any officer or employee of the city and county for, or in connection with the business of, the city and county, shall be paid or delivered into the treasury not later than the next business day after its receipt, and shall be receipted for by the treasurer. Daily statements of such receipts and deposits shall be prepared and transmitted to the controller and the treasurer. All pension funds and securities shall be deposited with the treasurer.

The deposit of public funds shall be governed by state law enacted under authority of Article XIII, Section 38 and 39 of the Constitution.

The treasurer shall not be responsible for any loss of public moneys resulting from a deposit thereof made in accordance with the provisions of this section. The treasurer shall be responsible for the safekeeping of all securities deposited by banks. The transfer of money for deposits shall be at the expense of the depository.

Funds received as gifts for a specific purpose, by donation, bequest, legacy or otherwise, and held in trust for the benefit of the city and county may, with the approval of the controller, be invested by the officer, board or commission charged with control and administration of such trust or funds in securities legal for savings banks.

All interest on moneys deposited shall accrue to the benefit of the city and county, except that interest derived from the deposit of any bond, utility, pension, trust or other fund created for a specific purpose shall accrue to such fund. Public money, other than that of the city and county, coming into the hands of the treasurer shall be kept as provided by law.

6.312 Invalidity of Improper Acts

All obligations incurred, all ordinances passed, and resolutions and orders adopted, contrary to the provisions of sections 6.302, 6.306, and 6.313 shall be void and any claim or demand against the city and county based thereon shall be invalid.

6.313 Penalties

Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city and county individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

**Chapter Four: Requirements for and Limitations on
Revenues and Expenditures**

6.400 Property Tax Limitations and Requirements

(a) The tax levy shall not exceed the rate of one dollar and sixty-five cents (\$1.65) on each one hundred dollars (\$100) valuation of the property assessed in and subject to taxation by the city and county, exclusive of the following items: (1) State taxes, and taxes for the interest and sinking fund on bonded indebtedness of the city and county; (2) the cost of constructing, maintaining and improving (a) schools, (b) libraries, which tax shall not be less than four cents on each one hundred dollars, (c) parks and squares, which tax shall be not less than ten cents on each one hundred dollars, (d) playgrounds, which tax shall be not less than seven cents on each one hundred dollars, (e) for the art commission for the purpose of maintaining a symphony orchestra one-half cent on each one hundred dollars of said assessed valuation, (f) streets, sewers and buildings; (3) the cost of (a) elections, (b) civil service, which tax shall not be less than one-half cent on each one hundred dollars, (c) obligations imposed by state legislative or constitutional enactment and (d) obligations imposed by vote of the people of the city and county.

(b) The amount of money to be provided by tax levy for recreation and park purposes shall not be less than the total of the amounts now or hereafter provided for parks and squares and for playgrounds under the provisions of subsection (a).

(c) Revenue to meet current annual interest and redemption or sinking fund for outstanding bonds shall always be provided out of the tax levy; provided, however, that to the extent to which funds are appropriated by the public utilities commission, and available for annual interest and redemption or sinking fund on bond issued for acquisition, construction or extension of any utility, no tax shall be levied therefor.

6.401 Limitations on Bonded Indebtedness

(a) No bonded indebtedness shall be incurred by the city and county which together with the amount of bonded indebtedness outstanding shall exceed twelve percent of the assessed value of all real and personal property in the city and county subject to taxation for city and county purposes. Bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes, sewers and sewerage collection, disposal and treatment, water pollution control, and the acquisition, construction or completion of air

6.401 – 6.404

transportation facilities and bonded indebtedness created pursuant to section 7.302 hereof shall be exclusive of the limitation on the amount of bonded indebtedness of the city and county contained in this section; provided, however, that any bonded indebtedness for sewers and sewerage collection, disposal and treatment, and for water pollution control, must be financed by sewerage service charges for the foregoing exclusion to be applicable.

(b) Any and all indebtedness assumed for the purpose of accepting the transfer and assuming jurisdiction and control of the harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333 shall not be included in the bond debt limit provided for in subsection (a), and if thereafter any additional bonded indebtedness is incurred to improve said harbor in connection with the operation thereof, said bonded indebtedness so incurred shall also be exempt from the limitations contained in subsection (a).

(c) A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of this charter shall be exclusive of the bonded indebtedness of the city and county limited by this charter.

6.402 Fees for Licenses and Permits

The fees or licenses to be charged under ordinances referred to in section 7.704 shall not be less than the cost to the city and county of regulation and inspection; provided, that in so far as the regulation and inspection of foodstuffs or articles of food for human consumption are concerned, the fees or licenses to be charged for such regulation and inspection shall be as determined by the board of supervisors, but the same shall not exceed the cost of said regulation and inspection.

6.403 Business License Taxes

No license tax shall be imposed after June 30, 1973, on any seller or manufacturer of goods, wares or merchandise operating at a fixed place of business in the city and county, except such as require permits or licenses in accordance with or under authority of any local health, sanitary or other ordinance under the police power.

6.404 Appropriations for Maintenance of Certain Cultural Facilities

(a) The board of supervisors shall annually appropriate to the war memorial board an amount sufficient to defray the cost of maintaining, operating and caring for the war memorial.

6.404 – 6.405

(b) The supervisors, for the purpose of maintaining, operating and superintending the California Palace of the Legion of Honor, and the purchase of objects of art, literary productions and other personal property, shall provide an amount sufficient for the maintenance, operation, and superintendence thereof, subject to the budget and fiscal provisions of this charter, and to that end shall levy a tax annually, the proceeds of which shall be credited to and deposited in a fund in the treasury of the city and county to be known as the "California Palace of the Legion of Honor Fund," and shall be used exclusively for the purposes thereof.

(c) The supervisors, subject to the budget provisions of this charter, shall, for the purpose of maintaining the M. H. de Young Memorial Museum, include in each annual budget of city and county expenditures an amount sufficient for the maintenance, operation and superintendence thereof, not less than forty thousand dollars (\$40,000) in each annual budget, and such additional amount as is necessary to take care of the increased demand for help, buildings, repairs, and care of said memorial museum. Such amounts shall be credited to and deposited in the fund in the treasury of the city and county to be known as the "M. H. de Young Memorial Museum Fund."

(d) Funds necessary for the maintenance, operation, and continuance of the Steinhart Aquarium shall be furnished by the city and county to the California Academy of Sciences. The board of supervisors is empowered to furnish to said California Academy of Sciences such funds as the board shall deem proper for the maintenance, operation, and continuance of any or all other of said buildings and improvements heretofore or hereafter erected.

6.405 Appropriations for Civil Service Commission

If the annual appropriation of the civil service commission is insufficient to meet the cost of the examinations required to establish registers of eligibles through the examination procedures set forth in section 8.321 hereof, or to qualify applicants for limited tenure appointments as provided in section 8.331, the commission shall report to the mayor the estimated cost thereof and the mayor shall request and the supervisors shall make supplemental appropriations therefor in the manner provided herein for supplemental appropriations.

If its annual appropriation is insufficient to meet the cost of the examination required in section 8.332, it shall report to the mayor the estimated cost thereof, and the mayor shall request and the supervisors shall make supplemental appropriation therefor in the manner provided herein for supplemental appropriations.

6.406 Harbor Revenues and Expenditures

The revenues of the harbor and of all properties and facilities incident thereto, or used in connection therewith, shall be deposited in a separate fund in the treasury of the city and county and a harbor trust fund or trust funds shall be established by the city and county and the city and county shall deposit in the fund or funds all monies received attributable to facilities on the transferred lands in the harbor.

Subject to the terms and conditions of Statute 1968, ch. 1333, appropriations from such funds shall be made for the following purposes and in the order named, viz:

(a) For the payment of maintenance and operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may establish or the board of supervisors may require;

(b) For payment of the principal and interest of any obligations of the State of California and assumed or agreed to be paid by the City and County of San Francisco;

(c) For the payment of principal, interest, reserve funds, sinking funds, and other funds established for the benefit of revenue bonds issued pursuant to the authority contained in section 7.305 of this charter;

(d) For capital improvements to the properties of said harbor or used in connection with the operation thereof;

(e) For the payment of the principal and interest on any general obligation bonds issued by the City and County of San Francisco for the acquisition, construction, repair or extension of said harbor or of any of the facilities used in connection therewith;

(f) An amount which shall be sufficient to meet the cost of reconstruction and replacement made necessary by the physical and functional depreciation of any of the properties or equipment of said harbor as the same shall occur;

(g) To pay for extension and betterments to said harbor or to the equipment and facilities thereof;

(h) To establish a surplus or sinking fund for the improvement or extension of the harbor or any facility used in connection therewith.

6.407 Utility Revenues and Expenditures

(a) Receipts from each utility operated by the public utilities commission shall be paid into the city and county treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz: (1) for the payment of operating

expenses, pension charges, and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may establish or the board of supervisors may require; (2) for repairs and maintenance; (3) for reconstruction and replacements as hereinafter described; (4) for the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions; (5) for extensions and improvements, and (6) for a surplus fund.

(b) The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific department shall be apportioned fairly among the departments under the control of the public utilities commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such department.

(c) For the purpose of computing net income, the public utilities commission, on the basis of an appraisal of the estimated life and the then current depreciated value of the several classes of property in each utility, shall determine the amount of reasonable annual depreciation for each utility. During the fiscal year 1937-1938 and at least every five years thereafter, the commission shall make an appraisal or may revise the last preceding appraisal of the value and probable useful life of each of the several classes of property of each utility, and shall, on the basis of said appraisal, redetermine the amount of the reasonable annual depreciation for each utility.

(d) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the commission, the commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

(e) If any accumulation in the surplus fund of any utility shall, in any fiscal year, exceed twenty-five percent of the total expenditures of such utility for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the board of supervisors to the general fund of the city and county, and shall be deposited by the commission with the treasurer to the credit of such general fund.

(f) Any budget of expenditures for any public utility in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed three-quarters of one

6.407 – 6.408

cent (\$.0075) on each one hundred dollars (\$100) valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.205 of this charter and any other section deemed in conflict herewith.

6.408 Airports Revenue Fund

(a) Subject to the budget and fiscal provisions of this charter: (1) The entire gross revenue of the airports commission shall be set aside and deposited into a fund in the city and county treasury to be known as the "Airports Revenue Fund." All amounts paid into said fund shall be maintained by the treasurer separate and apart from all other city and county funds and shall be secured by his official bond or bonds. Said fund shall be exempt from section 6.407 of this charter. (2) Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the commission.

(b) Moneys in the Airports Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related facilities owned, operated or controlled by the commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such airports or related facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the commission may establish or the board of supervisors may require with respect to employees of the commission; (3) the payment of principal, interest, reserve, sinking fund, and other mandatory funds created to secure revenue bonds hereafter issued by the commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the city and county for airport purposes; (5) reconstruction and replacement as determined by the commission or as required by any airport revenue bond ordinance duly adopted and approved; (6) the acquisition of land, real property or interest in real

6.408 – 6.412

property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the commission in the promotion and accommodation of air commerce or navigation and matters incidental thereto; (7) the return and repayment into the general fund of the city and county of any sums paid by the city and county from funds raised by taxation for the payment of interest on and principal of any general obligation bonds heretofore issued by the city and county for the acquisition, construction and improvement of the San Francisco International Airport; (8) for any other lawful purpose of the commission.

6.409 Expenditures of the Proceeds from the Sale of Property

The proceeds of the sale of any property under the control of a department shall be applied by the supervisors to the purchase of additional land for the use of such department if required thereby. Otherwise such proceeds shall be applied to the purchase of additional real property for any city and county purpose, or, if not required therefor, may be appropriated by the board of supervisors for capital improvements; provided, however, that the proceeds of the sale of any property acquired for the use of any utility, bond, special or trust fund shall revert to the related utility, bond, special or trust fund.

6.410 Limitation on Special Assessments

Special assessments shall not exceed fifty percent of the assessed value of the land on which the special assessment is levied, except that when such assessments are authorized to be paid in installments over a period not to exceed ten years, no annual installment payment shall exceed twenty-five percent of the assessed value of the land on which the special assessment is levied.

6.411 Admission Fees to California Academy of Sciences Building

Subject to the approval of the board of supervisors, reasonable and appropriate charges may be made by the California Academy of Sciences for admission to or use of the buildings or improvements erected by or under the authority of the California Academy of Sciences in or on property owned or controlled by the city and county.

6.412 Sales and Use Taxes

Notwithstanding any of the provisions of this charter, the board of

supervisors shall have the power to enact an ordinance that will be in accordance with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California and any amendments thereto, insofar as said Part 1.5 of Division 2, as amended, provides for uniform local sales and use taxes, and it may enact such other ordinances and authorize the execution of such agreements as may be necessary or convenient to insure the imposition and collection of such taxes.

ARTICLE VII.

SPECIAL PROCEDURES

Chapter One: Purchase of Material, Supplies and Equipment

7.100 Material, Supplies and Equipment

The purchaser of supplies shall purchase all materials, supplies and equipment of every kind and nature, and enter into agreements for all contractual services required by the several departments and offices of the city and county, except as in this section otherwise provided. Purchases of books, magazines and periodicals for the library departments, works of art for museums and other articles or things of unusual character as to the purchasing thereof, may, on the recommendation of a department head and the approval of the purchaser, be purchased directly by said department head.

Purchases for construction operations, or for any operations conducted outside the boundaries of the city and county may, on the recommendation of the department head in charge thereof and the approval of the purchaser of supplies, be made by the department head. All such purchases made by officials of departments other than the purchasing department shall be made in accordance with regulations established by the purchaser of supplies. The purchaser of supplies shall have authority to exchange used materials, supplies, and equipment to the advantage of the city and county, advertise for bids, and to sell personal property belonging to the city and county on the recommendation of a department head that such articles are unfit for use.

All purchases shall be by written purchase order or written contract. All purchases in excess of one thousand dollars (\$1,000) shall be by written contract; provided, however, that on the recommendation of the department head, in case of an emergency actually existing, the purchaser of supplies, with the approval of the chief administrative officer, may make such purchases in the open market

on the basis of informal bids. At least three bids or quotations shall be secured on open market purchases and a permanent record of all such quotations shall be kept. All contracts and purchase orders in excess of two thousand dollars (\$2,000) for material, supplies or equipment shall require the signature of the chief administrative officer in addition to the signature of the purchaser of supplies. The purchaser of supplies shall not enter into any contract or issue any purchase order unless the controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due.

The purchaser of supplies shall establish specifications and tests to cover all recurring purchases of material, supplies and equipment. He shall, as far as is practicable, standardize material, supplies and equipment according to the use to which they are to be put, when two or more types, brands or kinds are specified or requested by individual departments.

Purchases of equipment shall be made in accordance with specifications furnished by the department requiring such equipment in case the use of such equipment is peculiar to such department. For patented or proprietary articles sold by brand name, the purchaser may require each department requisitioning same by such brand name, to furnish specifications of the article requisitioned and may advertise for bids on the basis of such specifications, under conditions permitting manufacturers of or dealers in other articles made and sold for the same purpose to bid on such specifications or on the specifications of their own product. If the purchaser of supplies recommends the acceptance of the lowest or best bid, stating his reasons in writing therefor, and if the department head concerned recommends the acceptance of any other bid on such proprietary articles, stating his reasons in writing therefor, the award shall be determined by the controller.

The purchaser of supplies shall require departments to make adequate inspection of all purchases, and shall make such other inspection as he deems necessary. He shall direct the rejection of all articles which may be below standards, specifications or samples furnished. He shall not approve any bill or voucher for articles not in conformity with specifications, or which are at variance with any contract.

He shall have charge of central storerooms and warehouses of the city and county. He shall also have charge of a central garage and shop for the repair of city and county equipment. All garages and shops heretofore maintained by departments for the construction, maintenance, and repair of departmental supplies and equipment,

7.100 – 7.103

and the personnel assigned thereto, excepting the shop and personnel for fire alarm, police telegraph and traffic signal manufacture and repair operated by the department of electricity, are hereby transferred to said central garage and shop.

He shall, under the supervision of the controller, maintain an inventory of all material, supplies and equipment purchased for and in use in all departments and offices of the city and county. He shall be responsible for the periodic check of such property, and in case of loss or damage deemed by him to be due to negligence, he shall report thereon to the mayor, the chief administrative officer and the controller. He shall have authority to require the transfer of surplus property in any department to stores or to other departments.

7.101 Surplus Commodities

Notwithstanding any other provision of the charter, the purchaser of supplies, with the approval of the chief administrative officer, may purchase any commodity either from the government of the United States or from the State of California without advertising for bids for said commodity, irrespective as to the cost thereof, and no written contract need be entered into with the government of the United States or with the State of California for the purchase of said commodity. Before any such purchase is made the controller shall certify as to the availability of funds to pay the purchase price of said commodity.

7.102 Monetary Functions

The board of supervisors shall by ordinance determine the monetary limits of purchases of material, supplies and equipment to be made (a) by the taking of informal bids consistent with the manner provided in section 7.100; and (b) by advertising for bids consistent with the manner provided for in section 7.200.

They shall also provide by ordinance for the monetary limits within which procurements of material, supplies and equipment may be made from departmental revolving funds. The purchaser of supplies shall by rules and regulations, approved by the chief administrative officer and the controller, establish the methods whereby procurements may be made from departmental revolving funds.

7.103 Requisition, Contract and Payment

All purchase orders and contracts shall be based on written requisitions, or, for material or supplies in common use in the various departments, on the purchaser's records of average use by all departments, when approved by the chief administrative officer. The pur-

7.103 – 7.200

chaser of supplies shall approve all bills or vouchers for materials supplies, equipment, and contractual services before the controller shall draw and approve warrants therefor. All contracts for the purchase of material, supplies and equipment shall be made after inviting sealed bids by publication. All sealed bids received shall be kept on file. When an award of contract is made, notice that the same has been made shall be given by one publication, and any interested person may examine the bids and records at the purchaser's office.

7.104 Purchaser's Revolving Fund

Appropriations for material, supplies, and equipment shall be segregated in each annual appropriation ordinance for each department or office. Any part of each such fund or appropriation may, on the recommendation of the purchaser of supplies and the approval of the controller, be transferred to or made available in the purchaser's revolving fund. Warrants shall be drawn against such fund by the controller on demand of the purchaser for the payment of bills on which discount for prompt payment may be secured, or for advantageous cash purchasing, under favorable or emergency market conditions, of material or supplies for future departmental requisition and use. Discounts obtained by the use of the purchaser's revolving fund may be accumulated therein and the supervisors may make annual appropriations to such fund until a sufficient sum, as determined by the controller, is accumulated to meet the average purchasing and discount payment requirements of the city and county.

Chapter Two: Construction or Repair of Public Works or Improvements

7.200 Public Works and Purchasing Contracts

The construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements, and the purchasing of supplies, material and equipment, when the expenditure involved in each case shall exceed the sum of two thousand dollars (\$2,000) shall be done by contract, except as otherwise provided by this charter. It shall constitute official misconduct to split or divide any public work or improvement or purchase into two or more units for the purpose of evading the contract provisions of this section. In an emergency, provided an actual emergency be declared by the board of supervisors to exist, and when authorized by resolution of said board, any public work or improvement may be executed in the most expeditious manner. Notwithstanding any

other provision in this section or this charter contained, upon the approval of the chief administrative officer declaring the work to be emergency in character, there may be expended by the department of public works the sum not to exceed five hundred dollars (\$500) for new construction of any type in or upon unimproved or unaccepted streets.

Any public work or improvement estimated to cost less than two thousand dollars (\$2,000) may be performed under contract or written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county. Any public work or improvement executed by the city, other than routine repair work, shall be authorized by the chief administrative officer or by the heads of departments not under the chief administrative officer, only after detailed estimates have been prepared and submitted by the head of the department concerned. There shall be separate accounting for each work or improvement so executed, which accounting shall include all direct, indirect and supervisory elements of cost chargeable to such work or improvement, and each cost accounting shall be reported to the chief administrative officer, or to the mayor when such work shall have been performed by departments not under the chief administrative officer. All such accounts shall be reported to the controller. Any public work or improvement costing less than two thousand dollars (\$2,000) and not performed by the use of city and county labor, materials, and supplies shall, if not performed under contract, be covered by written order or agreement which shall be based on not less than three bids, notice of which shall be given by three days' posting. Records of such bids shall be kept by the department.

When the expenditure for any public work or improvement shall exceed the sum of two thousand dollars (\$2,000), the same shall be done by contract, except as otherwise provided in this charter. The head of the department in charge of or responsible for the work for which a contract is to be let, or the purchaser of supplies in the case of purchases of materials, supplies and equipment, shall let such contract to the lowest reliable and responsible bidder not less than ten days after advertising by publication for two consecutive days for sealed proposals for the work, improvement or purchase contemplated. Each such advertisement shall contain the reservation of the right to reject any and all bids. The officer responsible for the awarding of any such contract shall require from all bidders information concerning their experience and financial qualifications, as provided by general law relative to such investigations authorized by department of public works.

The purchaser of supplies with the approval of the chief adminis-

7.200 – 7.201

trative officer, or the department head concerned, with the approval of the board or commission to which he is responsible, may reject any and all bids and readvertise for bids.

The department head or the purchaser of supplies, as the case may be, shall have power to sign such contract for the estimated expenditures thereunder not in excess of two thousand dollars (\$2,000). Any contract involving the expenditure of over two thousand dollars (\$2,000), if for the purchase of materials, supplies or equipment, shall require the joint approval of the purchaser of supplies and the chief administrative officer. If such contract is for any public work or improvement, it shall require the joint approval of the department head and the chief administrative officer relative to departments under his jurisdiction, or the signature of the department head and the approval by resolution of the board or commission concerned for departments not under the chief administrative officer.

The board of supervisors, by ordinance, shall establish procedure whereby appropriate city and county departments may file sealed bids for the execution of any work to be performed under contract. If such bid is the lowest, the contract shall be awarded to the department. Accurate unit costs shall be kept of all direct and indirect charges incurred by the department under any such contract, which unit costs shall be reported to and audited by the controller monthly and on the completion of the work.

In any case where the lowest gross price or unit cost bid is not accepted, and a contract is entered into with another bidder, written report shall be made to the chief administrative officer, the mayor and the controller by the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid.

If any provision of this section is in conflict with any provision of section 7.100 of the charter, the provision contained in section 7.100 shall govern and control.

7.201 Public Works Contract Procedure by Ordinance

Notwithstanding any other provision of this charter and in particular the provisions of section 7.200, the board of supervisors shall by ordinance determine the monetary limits not to exceed five thousand dollars (\$5,000), within which the construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements may be done by contract or by written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county, consistent, save as to monetary limits, with the manner provided for in section 7.200 and section 7.100.

7.202 – 7.203

7.202 Progressive Payments

Any contract may provide for progressive payments, if the advertisement for sealed proposals shall so specify. No progressive payments under any contract shall be made which, with prior payments, shall at any time exceed in amount ninety per cent of the value of the work and labor and materials furnished, and no contract shall authorize or permit the payment of more than ninety per cent of the total contract price before the completion of the work required by such contract and the acceptance thereof by the head of the department concerned.

7.203 Penalties and Extras

If so specified in the published notice soliciting sealed bids for any public work or improvement, any contract therefor may be let for a gross price or on a basis of cost per unit of work to be performed, and may also provide for liquidated damages to the city and county for every day during which the contract is uncompleted beyond such specified date. In awarding any contract, the department head concerned is authorized to compare bids on the basis of time of completion. When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the time within which the contractor shall start work shall be fixed and the performance within such time limits shall be covered by the bond required of the contractor, and no extension may be granted on such contract beyond the date specified for completion, unless the liquidated damages for each day the work is uncompleted beyond the specified date shall be collected; provided, however, that this shall not apply to unavoidable delays due to act of God.

If it becomes necessary, in the prosecution of any work or improvement under contract, to make alterations or modifications, or provide for extras in such contract which shall increase the contract cost, such alterations, modifications or extras shall be made only on the written recommendation of the department head responsible for the supervision of the contract, together with the approval of the chief administrative officer or the board or commission, as the case may be, and also the approval of the controller. No such alteration, modification or extra shall be valid, unless the increased price to be paid under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the department head concerned, and approved as hereinbefore provided. In the performance of any contract awarded on the unit and the unit-cost basis, if the department head concerned ascertains

7.203 – 7.204

that the amount of work done or to be done shall exceed the estimated amount of the contract by ten per cent, or more, the excess shall be provided for as prescribed by section 6.306 relative to supplemental appropriations.

7.204 Contractors' Working Conditions

Every contract for any public work or improvement to be performed at the expense of the city and county, or paid out of moneys deposited in the treasury, whether such work is to be done directly under contract awarded, or indirectly by or under sub-contract, sub-partnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide: (1) That in the performance of the contract and all work thereunder, eight hours shall be the maximum hours of labor on any calendar day; (2) that any person performing labor thereunder shall be paid not less than the highest general prevailing rate of wages in private employment for similar work; (3) that any person performing labor in the execution of the contract shall be a citizen of the United States; (4) that all laborers employed in the execution of any contract within the limits of the city and county shall have been residents of the city and county for a period of one year immediately preceding the date of their engagements to perform labor thereunder; provided, however, that the officer empowered to award any such contract may, upon application of the contractor, waive such residence qualifications and issue a permit specifying the extent and terms of such waiver whenever the fact be established that the required number of laborers and mechanics possessing qualifications required by the work to be done cannot be engaged to perform labor thereunder.

The term "public work" or "improvement," as used in this section shall, include the fabrication, manufacturing or assembling of materials in any shop, plant, manufacturing establishment or other place of employment, when the said materials are of unique or special design, or are made according to plans and specifications for the particular work or improvement and any arrangement made for the manufacturing, fabrication or assembling of such materials shall be deemed to be a contract or a subcontract subject to the provisions of this section.

The board of supervisors shall have full power and authority to enact all necessary ordinances to carry out the terms of this section and may by ordinance provide that any contract for any public work or improvement, or for the purchase of materials which are to be manufactured, fabricated or assembled for any public work or improvement, a preference in price not to exceed ten per cent shall be allowed in favor of such materials as are to be manufactured,

7.204 – 7.206

fabricated or assembled within the City and County of San Francisco as against similar materials which may be manufactured, fabricated or assembled outside thereof. When any such materials are to be fabricated, assembled or manufactured by any sub-contractor or materialman for the purpose of supplying the same to any contractor bidding on or performing any contract for any public work or improvement, said sub-contractor or materialman manufacturing, fabricating, assembling or furnishing said materials manufactured, assembled or fabricated within the City and County of San Francisco shall be entitled to the same preferential as would any original contractor or materialman furnishing the same if the board of supervisors by ordinance so provide. When any ordinance shall so provide any officer, board or commission letting any contract may in determining the lowest responsible bidder for the doing or performing of any public work or improvement add to said bid or sub-bid an amount sufficient not exceeding ten per cent in order to give preference to materials manufactured, fabricated or assembled within the City and County of San Francisco.

7.205 Contract Procedure by Ordinance

The board of supervisors shall, by ordinance, establish the necessary procedure to be followed in the advertising for bids, the award of contracts, the supervision of contract work, and the acceptance thereof on completion; also for the security to be given on the filing of bids to guarantee the execution of the contract if awarded, and for the security to be given on the award of contract for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract.

7.206 Collusion

If any party or parties to whom a contract has been awarded has been guilty of collusion with any officer or representative of the city and county, or any other party or parties, in the submission of any bid or in preventing of any other being made, or in knowingly receiving preferential treatment by any officer or an employee of the city and county, then any contract so awarded, if not completed, may be declared null and void by the board of supervisors on the recommendation of the purchasing agent or the department head concerned, as the case may be, and the purchaser of supplies or the department head concerned shall thereupon re-advertise for bids for said work for the uncompleted portion thereof. If the work under such contract shall have been completed, the matter shall be referred to the city attorney for such action as may be necessary. Any party

7.206 – 7.303

or parties guilty of such collusion shall not be permitted to participate in or to bid on any future public work, improvement or purchase to be made by the city and county.

Chapter Three: Bond Issue

7.300 General Laws Applicable

The general laws of the State of California authorizing the incurring and establishing the procedure for the creation of bonded indebtedness and authorizing and establishing the procedure for the issuance of bonds to refund indebtedness of municipalities in force at the time any bonded indebtedness is created or refunded by the city and county shall, except as otherwise provided in this charter, be applicable to the creation of bonded indebtedness and the issuance of refunding bonds by the city and county.

7.301 Interest on Bonds During Construction

In any case where bonds have been authorized for the acquisition, construction or completion of a public utility or of extensions thereto, interest which may become due on said bonds during the actual period of construction of said utility, or of extensions to an existing utility, as the case may be, and during the period of six months immediately following the completion of the same may be paid out of the proceeds of sale of the bonds authorized and sold for such purpose, if such method of payment of interest be expressly provided for in the proceedings authorizing such bond issue.

7.302 Bonds for Street and Other Public Work—Revolving Fund

A municipal indebtedness may be authorized to be incurred by the voters, in the manner now or hereafter provided by the general laws of the State of California, for the purpose of financing public improvements the cost of which is to be assessed against private property benefited thereby, and bonds may be authorized by the voters to be issued therefor, the proceeds of which shall be used as a “Revolving Fund” to be applied to the payment of incidental and other expenses, the progressive payments on the work or works or to pay the principal or interest of bonds, securities or other evidences of debt issued against said special assessments or to purchase any bonds or coupons issued against such special assessments.

7.303 Bond Election by Petition.

In addition to the method prescribed by the other provisions of this charter, the proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public

7.303 – 7.304

utility or utilities may also be initiated by electors in the manner following: Whenever a petition, signed by qualified electors of the city and county equal in number to fifteen per cent of the electors who voted for all candidates for the office of mayor at the last general election at which a mayor of the city and county was elected, requesting the board of supervisors to submit to the electors of the city and county a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utility or utilities shall be filed in the office in which initiative petitions are required by this charter to be filed, the board of supervisors shall, as soon thereafter as in its judgment shall be practicable, proceed to call an election and submit to the electors of the city and county the proposition or propositions of incurring bonded indebtedness of the city and county for the purpose or purposes set forth in said petition. Neither errors nor informalities in said petition or in the signatures thereto nor the failure of the percentage of electors herein specified to sign the same, nor any delay in submitting said proposition or propositions to the electors shall invalidate any bonds which may be issued and sold pursuant to the provisions hereof. The provisions of this charter relating to the filing, verification and certification of initiative petitions shall be applicable to the petition herein referred to. Such election shall be called and held in the same manner as other bond elections of the city and county, and all proceedings for the issuance of bonds for the acquisition, construction or completion of such public utility or utilities, excepting only as otherwise provided in this section, shall be taken in accordance with the provisions hereinbefore set forth in this charter.

7.304 Bonds for Capital Improvement Projects

Whenever the capital improvement program recommended by the planning commission pursuant to section 6.202 contains a number of capital improvement projects with estimated costs of less than \$2,000,000 each and the board of supervisors by resolution adopted by two-thirds vote of all its members determines that public interest and necessity require the acquisition, construction or completion of more than one of such capital improvement projects to be specified in said resolution, but that the total estimated cost of said improvements will be too great to be paid out of the ordinary annual income and revenue of the city and county, and will require an expenditure greater than the amount allowed therefor by the annual tax levy and will require the incurring of a bonded debt, the board at any subsequent meeting may by a two-thirds vote of all its members pass an ordinance calling an election and ordering submission to the

7.304 – 7.305

qualified voters of the city and county the single proposition of incurring a bonded indebtedness for the group of public improvements specified in said resolution. Such election shall be called and held in the same manner as other bond elections of the city and county. If the proposition receives the assent of two-thirds of the qualified electors voting in favor thereof, the bonded indebtedness may then be incurred for said group of public improvements. No proposition or propositions for incurring a bonded indebtedness shall be submitted to the voters at any one election pursuant to the provisions of this section where the total estimated cost of the group or groups of public improvements involved exceeds the sum of \$6,000,000.

The proceeds of the sale of bonds authorized at any such election (except premium and accrued interest received on the sale thereof) shall be applied exclusively for said group of public improvements, but in such amounts applicable to each thereof as the board of supervisors may from time to time determine, provided that as nearly as practicable each capital improvement project comprising a part of said group of public improvements shall be acquired, constructed and completed to the extent of funds then available therefor, which may be more or less than the original estimated cost of any capital improvement project comprised within said group of public improvements.

The provisions of the Municipal Bond Act of 1901, as amended, presently codified as Article 1, Chapter 4, Division 4, Title 4, of the Government Code of the State of California authorizing the incurring and establishing the procedure for the creation of bonded indebtedness by cities shall except as otherwise provided herein, be applicable to the creation of the bonded indebtedness authorized by this section.

7.305 Revenue Bonds of the Port Commission

The Port Commission shall have the exclusive power to perform or accomplish the issuance of revenue bonds in the same manner and to the same extent as is provided for by the San Francisco Harbor Revenue Bond Act of 1951, enacted by Stats. 1951, Chapter 1712, page 4020, of the Statutes of California and codified as Sections 3300 to 3369 of the Harbors and Navigation Code of the State of California, except that the provisions of said Act codified as Section 3338 of the said Harbors and Navigation Code shall not be applicable to these bonds and the bonds shall instead be governed by the following provision:

The San Francisco Port Commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds and

7.305 – 7.306

may provide that the bonds may be sold on the basis of the lowest net interest cost to the San Francisco Port Commission, the coupon rates to be fixed by the successful bidder on the sale of the bonds. The San Francisco Port Commission may authorize the City Treasurer to sell bonds at less than their par or face value, but no bond may be sold at a price below 95% of the principal amount of the bond and accrued interest thereon. The said San Francisco Port Commission may set the annual rate or rates of interest which the bonds to be issued shall bear, which rate or rates, at the discretion of the said Commission, may be determined by the bidder at the time of sale of said bonds. Such interest may be payable at such periods as may be fixed by the Commission.

All of the other provisions of said Act are by this reference incorporated in and made a part of this charter, except that where the term "Board of State Harbor Commissioners" is used it shall be deemed to mean the "Port Commission," and where the term "San Francisco Harbor" is used it shall be deemed to mean all the property under the jurisdiction of the San Francisco Port Commission, and where the term "San Francisco Harbor Bond Finance Board" or "Bond Finance Board" is used it shall be deemed to mean "Board of Supervisors of the City and County of San Francisco," and where the term "Attorney General of the State of California" is used it shall be deemed to mean "City Attorney," and where the term "State Treasurer" is used it shall be deemed to mean "City Treasurer," and where the term "State Controller" is used it shall be deemed to mean "City Controller." The revenue bonds issued hereunder shall be known as "Revenue Bonds of the Port Commission of San Francisco."

7.306 Airport Revenue Bonds

Subject to the approval, amendment or rejection of the board of supervisors in each instance, the airports commission shall have authority to issue airport revenue bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under its jurisdiction under such terms and conditions as the commission may authorize by appropriate resolution. Such revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 as it now reads or may hereafter be amended. The provisions of Sections 54380 through 54387, inclusive, of the Government Code shall not apply to the issuance and sale of such revenue bonds. Such revenue bonds shall bear a rate of interest not to exceed that which may be fixed and prescribed by the commission subject to the approval or rejection of the board of supervisors without regard to the limitations contained in the Revenue Bond Law of 1941. Such

7.306 – 7.400

bonds issued by the commission pursuant to the provisions of this section 7.306 shall not constitute or evidence indebtedness of city and county but shall constitute and evidence only indebtedness of said commission payable solely out of revenues received by the commission from airports or airport facilities operated or controlled by it. Airport revenue bonds issued for such purposes pursuant to this section shall not be included in the bonded debt limit provided for in section 6.401 of this charter. Nothing in this section shall prevent the city and county from issuing general obligation bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under the commission's jurisdiction, subject to the bond issue procedure provided for in this charter.

7.307 Interest Rates on Bonds

Notwithstanding any other provision of this charter, or of any bond act, ordinance, or resolution to the contrary, if any general obligation bonds of the city heretofore or hereafter authorized by vote of the people have been offered for sale and not sold, the board of supervisors may raise the maximum rate of interest payable on all general obligation bonds authorized but not sold, whether or not such bonds have been offered for sale, to a maximum interest rate not in excess of seven percent by a two-thirds vote of all members of said board.

7.400 Director of Property

The director of property shall be the head of the department of property. He shall have charge of the purchase of real property and improvements required for all city and county purposes, and the sale and lease of real property and improvements thereon owned by the city and county, except as otherwise provided by this charter. In the acquisition of property required for street opening, widening or other public improvements, the director of property shall make preliminary appraisals of the value of the property sought to be condemned or otherwise acquired, and report thereon to the responsible officer. It shall be his duty, in addition, to assist in such proceedings on the request of the responsible officer.

He shall have charge of the management of the exposition auditorium.

Each department authorized by the approval of bond issues or by annual or supplemental appropriation ordinances to purchase or lease property or improvements needed for the purposes of such department shall make such purchases or leases through the director of property. He shall make a preliminary valuation of the property to

7.400 – 7.401

be acquired or leased and report the same to the department requiring such property. For such purposes he may employ independent appraisers. He shall conduct negotiations with the owner or owners thereof, at the conclusion of which he shall report the terms on which such sale or lease may be concluded, together with his recommendations thereon. The head of the department concerned may report to the board of supervisors and recommend acceptance or that proceedings in eminent domain be instituted for the acquisition of such property.

The director of property shall maintain complete records and maps of all real property owned by the city, which shall show the purchase price, if known, and the department in charge of each parcel, with reference to deeds or grants establishing the city's title.

He shall annually report to the mayor, the controller, the chief administrative officer, and the supervisors the estimated value of each parcel and improvement. He shall make recommendations to the mayor and chief administrative officer relative to the advantageous use, disposition, or sale of real property not in use.

7.401 Sale or Exchange of Real Property

Any real property owned by the city and county, excepting lands for parks and squares, may be sold on the recommendation of the officer, board or commission in charge of the department responsible for the administration of such property. When the board of supervisors, by ordinance, may authorize such sale and determine that the public interest or necessity demands, or will not be inconvenienced by such sale, the director of property shall make a preliminary appraisal of the value of such property. The director of property shall advertise by publication the time and place of such proposed sale. He shall forthwith report to the department head concerned and to the supervisors the amount of any and all tenders received by him. The supervisors may authorize the acceptance of the highest and best tender, or they may, by ordinance, direct that such property be sold at public auction, date of which shall be fixed in the ordinance. No sale other than a sale at public auction shall be authorized by the supervisors unless the sum offered shall be at least ninety percent of the preliminary appraisal of such property hereinbefore referred to.

The director of property may, in lieu of sale, arrange for the trading of any real property proposed to be sold for other property required by the department in charge thereof, on the recommendation of the officer, board or commission in charge of such property and the authorization, by ordinance, of the board of supervisors.

7.402 – 7.403

7.402 Lease of Real Property

(a) When the head of any department in charge of real property shall report to the board of supervisors that certain land is not required for the purposes of the department, the board of supervisors, by ordinance, may authorize the lease of such property. The director of property shall arrange for such lease for such period as prescribed pursuant to subparagraph (c) of this section to the highest responsible bidder at the highest monthly rent. The director of property shall collect rents due under such lease.

(b) The public utilities commission shall have exclusive power to lease agricultural or other lands used and useful for water department purposes and at the same time available for leasing or rental for agricultural or other purposes and such leases shall be subject to administration by the operating forces of the water department.

(c) The board of supervisors shall have the power, by ordinance, subject to the referendum provisions of this charter, to provide a longer term for leases executed under this section than that provided for herein providing, however, that until such ordinance shall become effective the limitations contained in this section as to the term of the lease shall control.

7.403 Sale or Lease of Park Land

(a) Notwithstanding any other provisions of this charter, whenever lands which are or shall be used or intended for use for parks or squares are no longer needed for park or recreational purposes, such lands may be sold or otherwise disposed of, or their use for park purposes may be abandoned or discontinued; provided that nothing herein shall be construed to authorize the discontinuance or abandonment of the use of such lands, or any change in the use thereof which will cause the reversion of such lands to private ownership, or cause the forfeiture of the ownership thereof in fee by the City and County of San Francisco, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition; and provided further that the general laws of the State of California authorizing municipal corporations to abandon or to discontinue the use of land for park purposes, authorizing the sale or other disposition of such lands, and providing procedures therefor and for matters relating thereto, shall be applicable to the City and County of San Francisco and to all lands held or used by it for park purposes and shall govern and control exclusively in respect thereto.

(b) Except as provided in subsection (c) the recreation and park

Part Four: Vacations

8.440 Annual Vacations of Employees

(a) Every person employed in the city and county service shall be allowed a vacation with pay annually, as long as he continues in his employment, as follows:

- (1) After one years' continuous service, ten working days.
- (2) After five years' continuous service, fifteen working days.
- (3) After fifteen years' continuous service, twenty working

days.

(b) Employees may elect not to take their entire vacation in any one year and in such event may accumulate the days allowable and not taken for use at some future time, provided, however, that no employee may accumulate unused vacation allowance in excess of thirty working days regardless of length of service.

(c) In computing vacation pay, no employee shall be considered to work more than five days each week. Vacation pay for employees working less than a five day week shall be computed proportionately.

(d) If a holiday occurs during such employee's vacation, and the employee would as a matter of law have been entitled to said day as a regular day off, such holiday shall not be considered a day of vacation chargeable to the employee's vacation allowance.

(e) The time when vacations are to be taken shall be at the convenience of the principal executive, with due regard for seniority.

(f) An employee with one year or more of service who ceases to be employed by the city and county and who has neither received nor waived his current annual vacation allowance shall receive a pro-rata payment for all service performed since January 1 of the calendar year in which he ceases to be employed, together with an amount equivalent to any accumulated vacation allowances due him.

(g) The board of supervisors shall enact any and all ordinances necessary to administer, interpret and regulate the provisions of subsections (a) through (f) of this section.

(h) Every employee of the City and County of San Francisco whose rate of compensation is fixed pursuant to the provisions of section 8.403 and 8.404 of this charter shall be entitled to receive an annual vacation at the time, with the pay and of the duration specified in this section and no section of the charter nor any provision of any collective bargaining agreement nor any street railway or bus wage schedule shall be construed in any manner or for any purpose to increase, reduce or otherwise affect the time or duration of, or pay for, vacations provided by this section nor shall any employee be deemed to have any vacation rights other than or in excess of the vacation rights specified in this section.

8.440 – 8.451

(i) The vacation rights granted by this section, or contained in any collective bargaining agreements, or in any street railway or bus wage schedules, as any of said terms are referred to in sections 8.403 and 8.404 of this charter, shall in no way increase, reduce or otherwise affect or be deemed to affect the wage or pay rate or schedule determinations made pursuant to the provisions of said section 8.403 and 8.404.

Part Five: Hours and Tours of Duty

8.450 Municipal Railway

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within ten consecutive hours, and there shall be two days off, consecutive where practicable, in each week. All labor performed in excess of eight hours in any one day, or after a spread of ten consecutive hours in any one day, or five days in any one week, shall be paid for at the rate of time and one-half.

Conductors and motormen may be assigned to duty as bus operators and while assigned to such duty they shall receive the compensation fixed for such service. Such assignment shall be governed by seniority of service, subject to a qualifying test by the railroad management as to competency and to state laws as to qualifications and licensing.

8.451 Police Department

(a) The word "member" or "members" as used in this section shall mean the members in the police department set forth in section 3.531 of this charter.

(b) The basic week of service for each member shall be forty hours and the annual compensation set forth in section 3.531 of this charter shall be based upon said basic week of service.

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

(d) Whenever in the judgment of the chief of police public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the chief of police may permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this sub-section. For service performed in excess of the basic week, members shall be compensated on the basis of straight time in accordance with the ratio which said excess service

8.451 – 8.452

bears to the basic week of service and the annual compensation provided therefor in section 3.531 or in lieu thereof equivalent time off duty with pay.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in section 8.440 of this charter, or the normal days off per week; provided, however, that when in the judgment of the chief of police public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, the chief of police may permit said member to serve during said vacation, or part thereof, or normal days off, and he shall receive additional compensation for the period so served. Said additional compensation shall be computed on the basis of straight time in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensation provided therefor in section 3.531.

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part 1, of the San Francisco Municipal Code, approving rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

(g) Whenever in the judgment of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignment, prior to going on duty, the said commission may designate a period not to exceed fifteen minutes in any one day for said reporting, and the said periods of fifteen minutes need not be compensated for in money or in time off with pay.

(h) Notwithstanding the provisions of any of the foregoing subsections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedules of compensations adopted by the board of supervisors pursuant to the provisions of section 8.401 of the charter as additional days off with pay. Members shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the police commission.

8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that all tours of duty established for officers and members assigned to the fire fighting companies, including the salvage corps, shall start at eight o'clock A.M. No such officer or member shall be required to work more than one hundred

and twenty (120) hours in any fifteen-day period, nor shall any officer or member be required to work more than twenty-four consecutive hours except in case of a conflagration requiring the services of more than one-half of the force of the department. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 120 hours in any fifteen-day period nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the fire commission, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in this charter, said officer or member shall be entitled to be compensated at his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensations adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. Officers or members required to perform service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the fire commission.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation for the service performed by officers or members on a holiday or for service performed on an assigned day off, as in this charter provided, shall be calculated by dividing the annual rates of pay for each fiscal year by the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

8.500 – 8.501

Chapter Five: Retirement Benefit

Part One: Existence of System; Membership

8.500 Retirement System for Officers and Employees

In order to continue in force provisions already existing for retirement and death benefits for officers and employees of the city and county, the San Francisco City and County Employee's Retirement System, hereinafter referred to as the retirement system or the system, is hereby continued. The enactment of section 3.670, 3.672 and sections 8.500 to 8.581, inclusive, of this charter is not intended to, and shall not in any way, alter or modify the rights, benefits, or obligations of any member or beneficiary of the retirement system or of the city and county with respect to that system as they exist at the time this charter becomes effective.

Ordinance provisions already existing with respect to the retirement system shall continue in force until amended or revoked by the board of supervisors as provided in this section. The board of supervisors is hereby empowered to enact, by a vote of three-fourths of its members, any and all ordinances necessary to carry into effect the provisions of section 3.670, 3.672, 8.500-8.504, and 8.506-8.581 of this charter; provided that the board of supervisors shall secure, through the retirement board, an actuarial report of the cost and effect of any proposed change in the benefits under the retirement system, before enacting an ordinance or before voting to submit any proposed charter amendment providing for such change.

8.501 Retirement of Elective Officers

Notwithstanding the provisions of section 8.500 of this charter, elective officers, except members of the board of supervisors and of boards and commissions, shall be members of the San Francisco City and County Employees' Retirement System and shall be subject to all of the conditions applying to other members thereof, except members of the fire and police departments, and except as herein otherwise provided. In the determination of contributions and benefits of any officer becoming a member of the retirement system by virtue of the provisions hereof, that part of the salary of such officer which exceeds one thousand dollars (\$1,000) per month shall be excluded. Elective officers in office on January 7, 1947, and otherwise eligible to the provisions hereof shall have the option to become members of said retirement system to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after January 7, 1947.

8.501 – 8.502

Each such present and future elective officer may retire at his option but only after having attained the age of seventy years and only after having occupied such an elective office or having been otherwise employed in a position subject to membership in the retirement system for at least twenty years immediately preceding retirement, and may retire by filing written application therefor with the retirement board, and the mayor shall thereupon appoint a qualified person for the unexpired term of office remaining at the time of any such retirement. Such elective officer shall thereafter receive a retirement allowance equal to one-half of the compensation received by him at the time of retirement, provided that such allowance shall not exceed five hundred dollars (\$500) per month. Contributions required to provide the portion of the benefits under this section not provided by the member's contribution shall be paid to the retirement system by the city and county.

8.502 Retirement of Elective Officers

Notwithstanding the provisions of section 8.501 of this charter, elective officers, except members of boards and commissions, shall be members of the San Francisco City and County Employees' Retirement System under section 8.509 instead of section 8.501; and, notwithstanding the provisions of subdivision (B) of section 8.509, elective officers who are members of the retirement system under section 8.509 shall be retired on the day following the end of the term of office in which the age of seventy years is attained. Contributions, with credited interest, standing to the credit of such individual officers shall be adjusted as of January 9, 1953, to the amount which they would have been if the contributions had been made in accordance with section 8.507 prior to July 1, 1947, and section 8.509 after June 30, 1947. Time during which said members have rendered service as elective officers shall be included under subsection (G) of section 8.509, in addition to other time now so included. Contributions required to provide benefits based on service rendered as an elective officer prior to the effective date of membership in the retirement system, shall be paid to the retirement system in the manner provided in section 8.509 for contributions for service rendered prior to the date upon which the member's rate of contribution is based. Elective officers in office on January 9, 1953, who are members of the retirement system under section 8.501 at such time, shall have the option to continue as members of the retirement system under section 8.501, instead of this section, to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after January 9, 1953.

8.503 Retirement—Court Employees and Attaches

Employees and attaches of the superior or municipal court, including persons performing duties performed under the titles of commissioners, phonographic reporters who are paid compensation on a monthly or per diem basis by the city and county, secretaries, stenographers, investigators, messengers and other employees of the superior and municipal courts, in and for the City and County of San Francisco, shall be members of the San Francisco City and County Employees' Retirement System under section 8.509, and shall be subject to all of the conditions applying to other members under that section, except as herein otherwise provided.

Service rendered to the said superior or municipal court in and for the city and county, other than as a phonographic reporter, by persons prior to becoming members under this section on February 1, 1953, shall be credited under the retirement system to such persons, provided that it would have qualified for credit when rendered, if said persons had been subject then, as they will be under this section, to the provisions of section 8.509 of this charter and of the ordinances and provisions of the Municipal Code of the City and County of San Francisco relating to retirement of members under said section.

Service rendered to said superior court on and after September 15, 1945, or to said municipal court on and after September 1, 1947, by phonographic reporters prior to becoming members under this section on February 1, 1953, shall be credited under this retirement system to such persons.

Said service, rendered prior to becoming a member under this section on February 1, 1953, shall only be credited to each of such persons if he elect, by written notice, on a form provided by retirement system, filed in the office of the retirement board of said system prior to July 1, 1953, to receive credit for all or any part of said service, and to pay into the retirement fund, at times and in the manner hereinafter provided, the following amounts: (1) an amount equal to the normal contributions he would have contributed, had he been a member of the retirement system under section 8.509, during the time for which he has elected to receive credit for service, on the basis of compensation paid to him by the city and county on account of said service, and (2) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the retirement system. However, a member shall not receive credit for any portion of such service rendered prior to April 1, 1922, unless he has elected

8.503 – 8.504

to receive credit for, and has paid into the retirement fund such amount with respect to, all of said service rendered after March 31, 1922. Such amounts shall be paid into the retirement fund by lump sum payment, or payroll deductions or other installments, over a period not exceeding thirty-six months from July 1, 1953, provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. Benefits, not provided by such amounts, granted to said persons on account of said service rendered prior to February 1, 1953, shall be provided by contributions of the city and county. Such service shall include time during which such person was absent from a status included in the paragraph above by reason of service in the armed forces of the United States in any war in which the United States has engaged.

Notwithstanding the foregoing provisions, any such employee or attache not already a member of the system and who is such an employee or attache on February 1, 1953, shall not become a member of the retirement system, unless he elect prior to July 1, 1953, on a form provided by the retirement system, to be a member of said system, and if he does not so elect, he shall not be a member of the retirement system, and shall not be prevented from continuing in such employment by reason of such provision.

8.504 Retirement—Parking Authority Employees

Officers and employees of the Parking Authority of the city and county shall become members of the San Francisco City and County Employees' Retirement System under section 8.509 on February 1, 1963, and thereupon shall be subject to all conditions applying to other members under that section inclusive of the provisions of section 8.514 of the charter, except as herein otherwise provided; provided, however, that Members of such Authority are excluded from the San Francisco City and County Employees' Retirement System.

Service rendered to the said Parking Authority by persons prior to becoming members under this section on February 1, 1963, shall be credited under the Retirement System to such persons, subject to the terms and conditions provided herein. Said service shall only be credited to each of such persons if he elect, by written notice, on a form provided by the retirement system and filed in the office of the retirement board of said system prior to July 1, 1963, to receive credit for said service, and to pay into the retirement fund, at times and in the manner fixed by the Retirement Board, the following amounts: (1) an amount equal to the normal contributions he would have contributed, had he been a member of the retirement system under section 8.509, during the period in which said service was

8.504 – 8.505

rendered, on the basis of compensation paid to him by the city and county on account of said service and (2) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the retirement system; provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. If any such person shall not so elect to receive credit for said service and to pay such amounts of contributions and interest, or having so elected, subsequently does not pay into the retirement fund such amounts at times and in the manner herein provided, and prior to February 1, 1963, he shall enter as a new member without credit for any of said service, any moneys theretofore received from him as payment on such amounts together with accumulated interest thereon shall be refunded to him, and the rate of his contribution shall be the normal rate provided in subsection (H) of section 8.509 at his age on February 1, 1963, otherwise his rate of contributions shall be the rate provided in said subsection (H) of section 9.509 based on his age at the earliest date in the period for which said service is credited. Benefits, not provided by such amounts, granted to said persons on account of said service rendered prior to the effective date of membership under this section, shall be provided by contributions of the city and county.

Notwithstanding the foregoing provisions, any such officer or employee not already a member of the system and who is such an officer or employee on February 1, 1963, shall not become a member of the retirement system, unless he elects to be a member of said system, in writing, on a form provided by the retirement system and filed in the office of the retirement system prior to July 1, 1963; if he does not so elect he shall not be a member of the retirement system, and shall not be prevented from continuing in such employment by reason of the provisions of this section.

8.505 Retirement—Port Authority Employees

All employees of the Port Authority who, on February 7, 1969, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the Port Authority who, at the time the transfer

8.505 – 8.506-1

provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after February 7, 1969, become employees of the city and county in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

8.506 Sheriff's Department

Notwithstanding any other provisions of this Charter, the board of supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the sheriff, undersheriff and all deputized personnel of the sheriff's department shall be members of the public employees' retirement system, and the board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

Any person who shall become a member of the public employees' retirement system pursuant to such contract shall have the right to be a member of the health service system and the health service board shall make provisions for participation in the benefits of the health service system by such persons.

8.506-1 Teachers in the San Francisco Unified School District and San Francisco Community College District

Notwithstanding any other provisions of this charter, the board of supervisors shall have the power to perform any and all acts necessary or appropriate to implement any provisions of the Education Code of the State of California which contemplate that teachers in the San Francisco Unified School District and the San Francisco Community College District shall not be members of the San Francisco City and County Employees' Retirement System but shall be members only of the State Teachers' Retirement System or which contemplate that such teachers may elect to be members of the State Teachers' Retirement System and not to be members of the San Francisco City and County Employees' Retirement System. (*Added 1972*)

8.507 Miscellaneous Officers and Employees on January 8, 1932

Persons who are officers and employees of this city and county on January 8, 1932, shall become members of the retirement system subject only to the following provisions, in addition to the provisions contained in sections 3.670, 3.672, 8.500, 8.510, 8.511, 8.520, 8.525 and 8.560, of this charter.

(a) The system shall be applied to such offices, departments, bureaus, or classes of officers or employees of the city and county, including teachers in the San Francisco school department, as the supervisors shall determine; provided, however, that the contributions to be made by said teachers and the benefits to be received by said teachers under said retirement system shall be based upon the proportion of salaries of said teachers which have been and shall be paid out of funds contributed by the city and county, excluding therefrom the portion of such salaries which have been or shall be paid out of funds contributed by the State of California; and in determining such proportion it shall be taken to be the same proportion which the whole amount of money contributed by the city and county to the common school fund in any fiscal year bears to the whole amount of money contributed to such fund in such year by the state and by the city and county; and provided, further, that nothing herein contained shall be construed to deprive any teacher of the right to receive benefits under any pension or retirement system now or hereafter established by the State of California.

(b) No member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of sixty-two years and completed ten years of continuous service, but retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below sixty-two, in accordance with the tables recommended by the actuary and approved by said retirement board.

(c) All persons who were retired prior to October 1, 1925, from service as teachers in the public schools of San Francisco, under the provisions of the law of 1913, establishing the California Public School Teachers' Retirement Salary Fund, shall be entitled to and shall receive retirement allowances, to be calculated on the same basis as that established for determining the retirement allowances provided for members of the said retirement system.

8.508 – 8.509

8.508 Pacific Gas & Electric Company Employees

The board of supervisors shall have the power to provide by ordinance retirement benefits for persons who become employees of the City and County of San Francisco under any lease, or other temporary arrangement, entered into between said city and county and the Pacific Gas & Electric Company, and because of their employment by said company at the effective date of said lease, or other temporary arrangement. The effect of said ordinance shall be to provide essentially the same retirement benefits for said employees on account of service rendered under said lease, or other temporary arrangement, as if said persons had been employees of said company throughout the term of said lease.

The further effect of said ordinance shall be to provide for permanent retirement rights for said persons, in the event they become employees of said city and county upon purchase or other permanent acquisition of the properties of said company, essentially the same benefits on account of service rendered as employees of said city and county, as they would have received if they had been members throughout said service of the San Francisco City and County Employees' Retirement System on the same basis as other employees of said city and county, except members of fire or police departments.

8.509 Retirement—Miscellaneous Officers and Employees on and after July 1, 1947

Miscellaneous officers and employees, as defined in this section, who are members of the retirement system under this section of the charter on February 1, 1969, and persons who become miscellaneous officers and employees after February 1, 1969, shall be members of the retirement system, subject to the following provisions of this section, in addition to the provisions contained in sections 3.670, 3.672, 8.500, 8.510 and 8.520 of this charter notwithstanding the provisions of any other section of the charter, provided that the retirement system shall be applied to persons employed on a part-time temporary or substitute basis only as the board of supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees of the said departments who are members of the retirement system under section 8.507 of the charter on February 1, 1969, shall continue to be members of the system under section 8.507 and shall not be subject to any of the provisions of this section, except as specifically provided in this section.

(A) The following words and phrases as used in this section unless

a different meaning is plainly required by the context, shall have the following meaning:

“Retirement allowance,” or “allowance,” shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation,” as distinguished from benefits under the workmen’s compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the city and county, for service qualifying for credit under this section.

“Compensation earnable” shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions, it being assumed that during any absence, he was in the position held by him at the beginning of the absence, and that prior to entering city-service he was in the position first held by him in city-service.

“Benefit” shall include “allowance,” “retirement allowance,” and “death benefit.”

“Average final compensation” shall mean the average monthly compensation earned by a member during any five consecutive years of credited service in the retirement system in which his average final compensation is the highest, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

For the purposes of the retirement system and of this section, the terms “miscellaneous officer or employee,” or “member,” as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the charter for the purpose of the retirement system, under section 8.507 of the charter.

“Retirement system” or “system” shall mean San Francisco City and County Employees’ Retirement System as created in section 8.500 of the charter.

“Retirement board” shall mean “retirement board” as created in section 3.670 of the charter.

“Charter” shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

“Interest” shall mean interest at the rate adopted by the retirement board.

(B) Any member who completes at least twenty years of service in the aggregate credited in the retirement system and attains the age of fifty-five years, or at least ten years of service in the aggregate credited in the retirement system, and attains the age of sixty years, said service to be computed under subsection (G) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after reaching the age of sixty years shall receive a service retirement allowance at the rate of $1\frac{2}{3}$ percent of said average final compensation for each year of service; provided, however, that upon the compulsory retirement of a member upon his attainment of the age of 65 years, if the allowance available to such member pursuant to the provisions of subsection (F) of this section shall be greater in amount than the service retirement allowance otherwise payable to such member under this subsection (B), then such member shall receive as his service retirement allowance, in lieu of the allowance otherwise payable under this subsection (B), an allowance computed in accordance with the formula provided in said subsection (F). The service retirement allowance of any member retiring prior to attaining the age of sixty years, after rendering twenty years or more of such service and having attained the age of fifty-five years, computed under subsection (G), shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled upon retirement at age sixty and with the service credited at the date of actual retirement.

Before the first payment of a retirement allowance is made, a member retired under this subsection or subsection (C) of this section, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount, of such other benefits; provided, however, that at any time within 30 days after the date on which his compulsory retirement would otherwise have become effective, a member who has attained the age of 65 years may elect, without right of revocation, to withdraw his accumulated contributions, said election to be exercised in writing on a form furnished by the retirement system and filed at the office of said system and a member so electing shall be considered as having terminated his membership in said system on the date immediately preceding the date on which his compulsory retirement would otherwise have

become effective and he shall be paid forthwith his accumulated contributions, with interest credited thereon. Notwithstanding the provisions of section 8.514 of this charter, the portion of service retirement allowance provided by the city and county's contributions shall be not less than \$100 per month upon retirement after thirty years of service and after attaining the age of sixty years, and provided further that as to any member with fifteen years or more of service at the compulsory retirement age of sixty-five, the portion of the service retirement allowance provided by the city and county's contribution shall be such that the total retirement allowance shall not be less than \$100 per month. In the calculations under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this subsection providing for a minimum retirement allowance. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied on full time service and compensation in the calculation of retirement allowances.

(C) Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least ten years of service credited in the retirement system in the aggregate, computed as provided in subsection (G) hereof, shall be retired upon an allowance of one and one-half percent of the average final compensation of said member, as defined in subsection (A) hereof for each year of credited service, if such retirement allowance exceeds one-third ($1/3$) of his average final compensation; otherwise one and one-half ($1\frac{1}{2}$) percent of his average final compensation multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-third ($1/3$) of such average final compensation. In the calculation under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such

case shall be based on the compensation earnable by the member in the classes of service rendered by him during the five (5) years immediately preceding his retirement. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied as full time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

(D) No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workmen's compensation laws of the State of California.

(E) If a member shall die, before his retirement, regardless of cause:

(1) If no benefit is payable under subdivision (2) of this subsection (E), a death benefit shall be paid to his estate or designated beneficiary consisting of the compensation earnable by him during the six months immediately preceding death, plus his contributions and interest credited thereon.

(2) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the death of such surviving spouse, who was receiving an allowance under this subdivision (2), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying

or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subdivision (2) is less than the benefit which was otherwise payable under subdivision (1) of this subsection, the amount of said benefit payable under subdivision (1) less an amount equal to the total of the payments of allowance made pursuant to this subdivision (2) shall be apaid in a lump sum as follows:

(a) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the retirement system and filed in the office of the retirement system before the first payment of the allowance provided herein, to receive the benefit provided in subdivision (1) of this subsection in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of eighteen years may make the election herein provided before any benefit has been paid under this subsection (E), for and on behalf of such children if in his judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this subsection (E), any allowance payable under this subdivision (2) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(F) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to cover similar terminations of employment and reemployment with and without redeposit of withdrawn accumulated contributions of other members of the retirement system, provided that if such

member is entitled to be credited with at least ten years of service or if his accumulated contributions exceed one thousand dollars (\$1,000), he shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A person who elects to allow his accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under this section for service retirement but he shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and an equal amount of the contributions of the city and county, plus 1-2/3 percent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the retirement system. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid to his estate or designated beneficiary.

(G) The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(1) Time during which said member is a member of the retirement system and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not credited as service of a member under this section shall count under this section upon transfer of a member of either of such departments to employment entitling him to membership in the retirement system under this section, provided that the accumulated contribution standing to the credit of such member shall be adjusted by refund to the member or by payment of the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous employee throughout the period of his service in either of such departments of the compensation he received in such departments.

(3) Time during which said member is absent from a status included in paragraphs (1) or (2) next preceding which is not

deemed absence from service under the provisions of section 8.520 of the charter and for which such member is entitled to receive credit as service for the city and county by virtue of contributions made in accordance with the provisions of such section.

(4) Prior service determined and credited as prescribed by the board of supervisors for persons who are members under section 8.507.

(5) The board of supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the retirement system of service, other than military service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefor shall be required of the city and county.

(H) All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The rate of contribution of each member under this section shall be based on his nearest age at the effective date of his membership in the retirement system. The normal rate of contribution of each member, to be effective from the effective date of membership under this section, shall be such as, on the average for such member, will provide, assuming service without interruption, under subsection (B) of this section, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty or higher age after rendering ten years of service for retirement under that subsection. No adjustment shall be included in said rates because of time during which members have contributed at different rates. Members' rates of contributions shall be changed only in the manner prescribed by the board of supervisors for changing contributions rates of other members.

(2) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rate of contribution to such compensation. Amounts which would have been deducted in the absence of the limit on such deductions according to service credited, shall be paid to the retirement system following the removal of such limit, in manners and at times approved by the retirement board. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said

contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in subsections (E) and (F) of this section, provided that the portion of the salaries of the teachers as provided in section 8.507, paragraph (a), as a basis for fixing the contributions to be made, and the benefits to be received, by the teachers under the retirement system shall be determined by the method provided in section 8.507, paragraph (a) and shall not be less than eighty percent of the total salary received by the teachers, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

(3) Contributions based on time included in paragraphs (1) and (3) of subsection (G), and deducted prior to July 1, 1947, from compensation of persons who become members under this section, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, on July 1, 1948, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(5) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this subsection (H), to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his rate of contribution is determined in paragraph (1), subsection (H), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this

section, said percentage to be the ratio of the value of the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(6) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in the section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on July 1, 1947, in the accounts of said system by debits against the city and county.

(I) Upon the completion of the years of service set forth in subsection (B) of this section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said subsection (B), and nothing shall deprive said member of said right.

(J) No person retired under this section, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

(K) Any section or part of any section in this charter, insofar as it

8.509 – 8.510

should conflict with this section, or with any part thereof, shall be superseded by the contents of this section. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(L) Notwithstanding the provisions of subsections (B), (C), (F) and (I) of this section, any member convicted of a crime involving moral turpitude committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office of employment pursuant to the provisions of this charter, forfeit all right to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that, if such member is qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, he shall have the right to elect, without right of revocation and within 90 days after his removal from office or employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of such removal from office or employment.

Part Two: Provisions of General Application

8.510 Actuarial Tables, Rates and Valuations

The mortality, service and other tables and the rates of contributions for members as recommended by the actuary and the valuations determined by him and approved by the retirement board shall be conclusive and final, and the retirement system shall be based thereon. The total amount, as determined by the actuary and approved by the board, of the contributions required during any fiscal year of the city and county under the retirement system shall be paid into the retirement system by the city and county during such year. Liabilities accruing under the retirement system because of service rendered to the city and county by persons prior to the date their respective classes become eligible for membership in the system, and administrative costs under the system, shall be met by contributions to the retirement system by the city and county, in addition to any amounts contributed to meet liabilities accruing because of service rendered by such persons after becoming members of the system, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall not be less than the amount disbursed during that year on account of prior service. All expenses in connection with the

8.510 – 8.512

investment of such fund or funds as may be established, including but not limited to travel and transportation costs, investment seminar expenses, postage, insurance, telephone, and subscriptions to investment publications, shall be paid from the accumulated contributions of the city and county.

Contributions to the retirement system required of the city and county shall be charged by the controller against the general fund or the school, utility, bond or other special fund under which the service was rendered, on account of which the contribution is required; provided that contributions required on account of service rendered by any person prior to becoming a member of the system, under a temporary fund, such as bond or county roads funds, or a fund then no longer existing, may be charged against the general fund, and provided further, that any contributions required on account of persons receiving benefits under subdivision (c) of section 8.507, shall be charged against the general fund.

8.511 Pensions of Retired Persons

(a) No person retired for service or disability and in receipt of a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror or in the preparation for or the giving of testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative or administrative body shall not be affected by this section or by section 8.509, section 8.546 or section 8.581 of the charter.

(b) Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engage in a gainful occupation prior to attaining the age of sixty-two, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the compensation on the basis of which his pension or retirement allowance was determined.

8.512 Relinquishment of Certain Retirement Allowances

Any person who retired under the San Francisco City and County Employee's Retirement System from an employment status in which he was a member of the State Teachers' Retirement System, and whose retirement was effective after June 30, 1955, and not later

8.512 – 8.513

than ninety days after February 1, 1957, may elect, in writing on a form provided by the retirement system and to be filed at the office of said system within ninety days after February 1, 1957, to relinquish his right to a retirement allowance from said City and County Employees' Retirement System. If such person so elects to relinquish said right, his retirement allowance shall be cancelled forthwith and no payments of such allowance shall be made to him, or on his account, for time on and after the effective date of such election, and such election shall be irrevocable. The San Francisco City and County Employees' Retirement System shall pay or be liable to pay to or on account of such person only an amount equal to the actuarial equivalent, as of the effective date of such relinquishment, and on the basis of the mortality tables and interest rate then used under the system, of the portion of the cancelled allowance which was provided by said person's accumulated contributions at the effective date of his retirement. An amount equal to such actuarial equivalent shall be forwarded forthwith to the Retirement Annuity Fund of said State Teachers' Retirement System, to be applied on the amount due to said fund from said person under the provisions of Division (7), Chapter 14 of the Education Code of the State of California, but not to exceed the amount so due as may be quoted in a written statement requested of and received from said State Teachers' Retirement System as applied to any person herein involved. Any excess of the actuarial equivalent over said amount so quoted as due shall be paid forthwith to said person.

8.513 Credit on Current Contributions, for Certain Public Reserves Released by Withdrawal or Relinquishment by Retiring or Retired Teachers.

In the event that any teacher or other employee of the board of education resigns and withdraws during or after the fiscal year which will end June 30, 1957, his accumulated contributions from the San Francisco City and County Employees' Retirement System, and instead within 90 days after such withdrawal is in the status of a person retired under the State Teachers' Retirement System of California on an allowance based on the full allowance formulae under said state system, the contributions which the San Francisco Unified School District is required to make to said City and County Employees' Retirement System on account of service rendered by employees of such unified school district as such members of such system, in accordance with the rate of contribution determined under section 8.509 of the charter, shall be reduced by an amount equal to the actuarial equivalent as of the day next following the date of such withdrawal, of the portion of the allowance to which

8.513 – 8.514

such person would have been entitled from said City and County Employees' Retirement System, if he had not resigned, and which would have been based on his service as a member of such City and County Employees' Retirement System, minus the amount of his accumulated normal contributions withdrawn.

In the event that any person retired under the San Francisco City and County Employees' Retirement System from an employment status in which he was a member of the State Teachers' Retirement System, has elected or elects to relinquish his right to a retirement allowance from said City and County Employees' Retirement System, the contributions which the San Francisco Unified School District is required to make to the City and County Employees' Retirement System on account of service rendered by employees of such unified school district as members of such system in accordance with the rate of contribution determined under section 8.509 of the charter, shall be reduced by an amount equal to the actuarial equivalent as of the effective date of such relinquishment, and as determined in connection with such relinquishment, of the portion of the allowance to which said person would have been entitled had he not so elected, and which was based on his service as a member of the City and County Employees' Retirement System, minus the actuarial equivalent determined in connection with such relinquishment of the portion of the cancelled allowance which was provided by said person's accumulated normal contributions at the effective date of his retirement.

If the total of the actuarial equivalents by which the contributions required of the San Francisco Unified School District in any year are to be reduced, exceeds such contributions, the amount of the excess shall be carried over to subsequent fiscal years and applied to reduce such contributions for such years in chronological order.

8.514 Social Security Coverage

The board of supervisors may enact, by a vote of three-fourths of its members, an ordinance or ordinances prescribing the conditions according to which any and all employees of the San Francisco Unified School District and employees of the City and County of San Francisco, other than members of the fire and police department as defined in section 8.560, may be covered under the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, subject to the provisions of this section. "City and county" as hereinafter used shall mean the City and County of San Francisco and the San Francisco Unified School District.

(A) Any member of the San Francisco City and County Employees' Retirement System, hereinafter referred to as the system, who is

or becomes covered by the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, hereinafter referred to as the Act, shall continue to contribute to the system the normal contributions required of him, except that he shall have the right to reduce his normal contributions under the system at his option to be exercised by an election on the system's form said election to be effective on the first day of the month next following its filing in the system's office. Such reduction of normal contributions shall apply only to time during which said member is covered under the Act, and after February 1, 1959, and the amount of said reduction, which may be changed from time to time by said member, in accordance with rules and regulations of the Retirement Board, shall not be more than the amount of said member's contribution under the Act.

Any allowance payable to or on account of such member by the system shall be reduced on the effective date of said allowance by the actuarial equivalent on that date of the normal contributions, including interest to said date, with which said member would have been but was not credited under the system because of said reduction in his normal contributions and because of amounts paid from such member's accumulated contributions for the retroactive period hereinafter provided for, and any continuation of said allowance shall be based on such reduced allowance but said allowance shall not be effected otherwise by the member's reduction of his normal contributions. Said member shall have the right to contribute amounts, which shall be administered as additional contributions, to replace all or part of such reduction in his retirement allowance.

(B) The reductions in allowances and contributions of members shall be made as provided in the foregoing paragraphs, notwithstanding any provisions in the charter to the contrary.

(C) Every employee covered by the agreement providing coverage under the Act shall be liable for the employee contributions required by the Act.

(D) The effective date of coverage under the Act may be made retroactive to such date as the board of supervisors may determine. Contributions required under the Act of each member for time included by the retroactive application shall be paid from such member's accumulated contributions held by the system on account of his compensation not in excess of the maximum compensation taxable under this Act for such retroactive time. If the required contributions under the Act exceed the member's accumulated contributions held by the system so determined, the additional contributions under the Act equal to the excess shall be paid by the member. Contributions required under the Act of the employer on account of

such retroactive period shall be paid from funds held by the system on account of active members and derived from contributions of the city and county.

(E) Any member who is covered by section 210(1) of the Act on the effective date of the agreement between the state and federal government to extend coverage to the members of the system under the Act shall not be subject to this section unless he elect to be covered in accordance with this section, such election to be on a form furnished by the system and to be filed in the office of the system not later than one hundred eighty (180) days after the effective date of such agreement. Such election shall be irrevocable. Such election shall fix the status of the member under such coverage as the same in all respects as if he had not been covered under section 210(1), except that there shall be no adjustment of the member's accumulated contributions or of the funds held by the system, and derived from contributions of the city and county, on account of social security tax for such retroactive period.

Each member who enters the employ of the municipal railway after the effective date of the agreement between the state and federal government to extend coverage to other members of the system under the Act shall be covered under the act in accordance with the terms of this section and the ordinance or ordinances enacted pursuant thereto.

(F) Provision shall be made for modification of the member's retirement allowance at his option, if he retires before he attains the minimum age of qualification for his primary benefit under the Act, in such manner that will make his increased monthly retirement allowance under the system prior to attainment of such age equal to the sum of his decreased monthly allowance after attainment of such age, and his primary benefit under the Act, upon the basis of an estimated primary benefit under the Act, subject to the requirement that the amounts of the increase and decrease in the monthly allowance shall be actuarially equivalent, and that the increase shall not be modified under an option provided by ordinance.

(G) Words used in the masculine gender shall include the feminine and neuter genders, and singular members shall include the plural and the plural the singular.

(H) The contribution rates of the city and county applicable to various memberships under section 8.509 shall be adjusted to rates determined by the actuary according to methods stated in section 8.509.

(I) The board of supervisors shall submit to the eligible employees for purposes of referendum as defined in the Act the question as to

8.514 – 8.515

whether they desire coverage under the Act in accordance with conditions prescribed in this section.

(J) The powers of the board of supervisors granted in section 8.500 shall include the authority to make such adjustments in the retirement system, by a vote of three-fourths of its members, as are not made by this section, but as required because of changes in the Act, to carry out the purposes of this section.

8.515 Compensation Insurance Payments

The benefit provisions of the workmen's compensation laws included in the Labor Code of the State of California, as they effect the benefits provided for or payable to or on account of officers and employees, including teachers of the city and county, shall be administered exclusively by the retirement board, provided that the retirement board shall determine whether the city and county, through the retirement system, shall assume the risks under the said law, in whole or in part, or whether it shall reinsure such risks, in whole or in part, with the state compensation insurance fund. Benefits under such risks as may be assumed by the city and county, and premiums under such risks as may be reinsured shall be paid by the retirement system, and an amount equal to the total of such benefits and premiums, as determined by the actuary for any fiscal year, including the deficit brought forward from previous years, shall be paid during such fiscal year to the retirement system by the city and county.

Every patrol special police officer, as referred to in section 8.905 of this charter shall be entitled, under this section, to the benefits of such compensation law, if injured while performing regular city and county police duties, which shall include only duties performed while preventing the commission of a crime, or while apprehending the person or persons committing such crime, and shall not include duties of any character performed for private employers either on or off the premises of such employers, provided that no payments shall be made under this paragraph in the event that the patrol special officer shall receive the benefits of such compensation law from any other source.

Whenever any member of the fire or police department, as defined in sections 8.545, 8.565, and 8.569, respectively, is incapacitated for the performance of his duties by reason of any bodily injury received in or illness caused by the performance of his duty, as determined by the retirement board, he shall become entitled, regardless of his period of service with the city and county, to disability benefits equal to and in lieu of his salary as fixed by the charter, while so disabled, for a period or periods not exceeding twelve months in the aggregate, with respect to any one injury or illness. Said disability

8.515 – 8.520

benefit shall be reduced in the manner fixed by the board of supervisors by the amount of any benefits other than medical benefits payable to such person under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workmen's compensation laws included in said Labor Code, shall be considered as in lieu of such benefits, payable to such person under the said code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the city and county to pay such benefits under the Labor Code. Medical treatment which may become necessary to relieve or cure said member from the effects of the injury or illness shall be furnished by the city and county, in the same manner that such treatment is furnished under said Labor Code, but without first requiring continuing awards of such treatment by the Industrial Accident Commission of the State of California, relating to impairments of permanent or of extended and uncertain duration. The provisions of this paragraph shall be administered exclusively by the retirement board, and the city and county shall pay to the retirement system during each fiscal year, an amount equal to the total disability benefits paid by said system during that year. A member of the fire or police department shall receive credits as service, under the retirement system, for time during which he is incapacitated for performance of duty and receives said disability benefit. Contributions for the retirement system shall be deducted from said benefits in the same manner as they would be deducted from salary paid to him, and the city and county shall contribute, in addition to its other contributions provided herein, to the retirement system on the basis of said benefits in the same manner as it would contribute on salary paid to said member.

Part Three: Continuous Service

8.520 Continuous Service

(a) Continuous service shall be defined by the board of supervisors, but the absence prior to September 14, 1940, of any officer or employee of the city and county from service caused by reason of the service of such officer or employee in the military or naval forces of the United States in any war in which the United States has engaged, shall not be deemed to be absence from service for the purposes of the retirement system and such officer or employee shall receive credit under the retirement system, for the period of such absence, in the same manner as if he had not been absent.

On and after September 14, 1940, a member is absent on military service when he is absent from city service by reason of (1) service with the armed forces of the United States or the State of California; (2) service on ships operated by or for the United States government when such service is granted as "military leave" pursuant to section 3.670 and 3.671 of the charter; (3) service connected with the war effort for which leaves of absence shall be authorized pursuant to sections 3.670 and 3.671 of the charter; or (4) any other service, under an order of the government of the United States or the State of California, or by lawful order of any of the departments or offices of said governments, provided that such absence in any of such services occurs (1) either during a war involving the United States as a belligerent or in time of national emergency, declared by the President of the United States or by the Congress, and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred in line of duty with said armed forces or said ships when such disability extends beyond such period; or (2) in time of peace if he is drafted for such services by the United States government or volunteers for such service while subject to such draft.

For the purposes of this section a war involving the United States as a belligerent exists: (a) whenever Congress has declared any war which has not been terminated by a truce, treaty of peace, or otherwise; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

(b) Any member so absent on military service may contribute to the retirement system during such absence, at times and in the manner prescribed by the board, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in city service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit for the absence as service in the manner as if he had not been absent. If, however, a member does not affirmatively exercise the option herein provided, or if he exercised it affirmatively and defaults in any of the contributions due to the retirement system under said election, and in either event if such contributions are not made for him, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit as service for the city and county for such period; but the absence during such period shall not break the continuity of

such service required of such member to entitle him to a retirement allowance, as provided under the retirement system.

Any member who was absent on military service and who did not make the contributions as provided in this section, and whose contributions are not paid for him by the city and county as provided herein, may make such contributions upon his return to city service at times and in the manner prescribed by the board. If he does so contribute, he shall receive credit for the absence as service in the same manner as if he had not been absent.

When a member makes the contributions as provided herein, the same contributions shall be made by the city and county in respect to such absence that would have been made if the member had not been absent on military service, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

(c) Notwithstanding other provisions of this charter to the contrary, the city and county shall contribute for each member of this system who was absent on military service after September 14, 1940, amounts equal to the contribution which would have been made by such member and the City and County of San Francisco on the basis of his compensation earnable at the commencement of his absence, provided that the member's base pay in such military service is less than \$100.00 per month, and provided, further (1) that if the absence in military service was by reason of service in the armed forces of the United States; (2) that the absence began on or after June 25, 1950; and (3) that the member's base pay in such service was less than \$250.00 per month, the city and county shall pay the contributions which would have been made by both the member and the city and county on the basis of his compensation earnable at the commencement of his absence. Contributions made by the city and county, in lieu of contributions which otherwise would be required of the member, shall be administered as if made by said member as normal contributions. Any such member who exercises or did exercise the right to contribute to the system during the period of absence on military service, and whose contributions otherwise would be paid by the city and county under this section, shall have his contributions plus credited interest, refunded.

(d) Absence commencing on or after December 7, 1941, of any member of the retirement system from city service caused by reason of his evacuation or exclusion from the city and county by an authorized military commander because such member was of Japanese ancestry shall not be deemed to be absent from service for purposes of the retirement system, for the period of such absence,

provided that he returned to city service within one year after the termination of his evacuation or exclusion, and provided further that upon his return to city service, and at times and in the manner prescribed by the retirement board, he elects to contribute to the retirement system amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in city service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit under the retirement system for the absence as service in the same manner as if he had not been absent. If, however, a member does not affirmatively elect to make such contributions as herein provided, or if he affirmatively elects to make such contributions and defaults in any of the contributions due to the retirement system as herein provided, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit in the retirement system as service for the city and county for such period; but the absence during such period shall not break the continuity of such service required of such member to entitle him to a retirement allowance as provided under the retirement system.

When a member makes the contributions as provided herein, the same contributions shall be made by the city and county in respect to such absence that would have been made by the city and county if the member had not been absent because of such evacuation or exclusion, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

(e) Notwithstanding any other provisions of this Charter, any member who entered military service from a position with the Market Street Railway Company, was absent on such military service on September 29, 1944, and thereafter commenced employment with the Municipal Railway of the City and County of San Francisco within one year after his discharge from such military service shall have the right to elect to make contributions as provided in this section and to receive credit in this system as city service for all or any part of the time on and after September 29, 1944, during which he was in such military service.

Any member who elects pursuant to this section to make contributions and to receive credit for such time shall contribute to the Retirement System an amount determined by applying the rate of contribution first applicable to him on the effective date of his membership in the Retirement System to the monthly compensation

8.520 – 8.526

earnable by him on said date, together with interest on said amount at the rate of interest being used from time to time under the retirement system.

The board of supervisors shall provide by ordinance the time and manner for making said contributions and for the crediting of such service as city service.

Part Four: Contributions to Retirement Fund

8.525 Contributions to Retirement Fund

The city and county shall contribute jointly with the members of the retirement system to meet the liabilities accruing under the system because of service rendered to the city and county by persons after becoming members of the system. Members of the system shall contribute not to exceed ten percent of their salaries or wages, provided that members may, at their option, elect to contribute at rates in addition to those fixed as normal by the retirement board. The city and county shall contribute an amount equal to normal contributions of members as provided for in the preceding sentence, but the city and county shall not contribute any amount because of additional contributions by members.

8.526 Cost of Living Adjustment in Allowances

(A) Each retirement or death allowance which is not subject to change when the salary rate of any member is changed and which is payable to or on account of any member who has retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947, as members under section 8.507, but including death allowances payable under section 8.561 which are not subject to change when the salary rate of any member is changed, shall be increased for time on and after July 1, 1968, by the percentage set forth in the following table opposite the fiscal year in which said allowance became effective, said percentage to be applied to the allowance payable to the individual who was receiving the allowance on July 1, 1968, (a) exclusive of the annuity provided by additional contributions and (b) prior to reduction pursuant to subsection (A) of section 8.514:

Fiscal year in which allowance became effective		Percentage
All years prior to July 1, 1959	. . . . .	16%
July 1, 1959 to June 30, 1960	. . . . .	14%
July 1, 1960 to June 30, 1961	. . . . .	12%
July 1, 1961 to June 30, 1962	. . . . .	10%
July 1, 1962 to June 30, 1963	. . . . .	8%
July 1, 1963 to June 30, 1964	. . . . .	6%
July 1, 1964 to June 30, 1965	. . . . .	4%
July 1, 1965 to June 30, 1966	. . . . .	2%
July 1, 1966 to June 30, 1967	. . . . .	1%

(1) Funds necessary for the payment of such increases in allowances payable to or on account of members who retired or died as members under Charter Sections 8.507 or 8.509 shall be provided from the City's accumulated contributions held by the system on account of miscellaneous members under section 8.509.

(2) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 8.543 or 8.544 shall be provided from the City's accumulated contributions held by the system on account of police members under section 8.544.

(3) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 8.567 or 8.568 shall be provided from the City's accumulated contributions held by the system on account of fire members under section 8.568.

The necessary funds shall be transferred on the effective date of this section from said accumulated contributions to the accumulated contributions held by the system to meet the obligations of the city and county on account of benefits that have been granted and which are based on services rendered as members. The contribution being required of the city and county currently, as percentages of salaries of persons who are members under sections 8.509, 8.544 and 8.568 shall be increased to percentages determined by the actuary as necessary to replace the accumulated contributions so transferred.

(B) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year or years, as shown by the then current Consumer Price Index, All Items, San Francisco (1957-59=100), issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication.

The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(2) Notwithstanding any other charter or ordinance provision governing the retirement system, every retirement or death allowance payable to or on account of any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 1969, and on July 1 of each succeeding year, subject to the provisions of this subsection (B), by a percentage of the allowance established on July 1, 1968, after any increase under subsection (A) of this section or on the effective date of such allowance, whichever is later, as payable to the individual who is receiving the allowance on the date of any such adjustment (a) exclusive of the annuity provided by additional contributions, and prior to modification pursuant to subsection (F) of section 8.514. On July 1, 1969, the percentage of increase in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent, the percentage of increase in the cost of living during the preceding calendar year. On July 1, 1970, and on July 1 of each succeeding year, the percentage of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one percent of increase or decrease in the cost of living in the calendar year or years since January 1, 1969, or since January 1 of the year in which the last such cost of living adjustment in allowances was made, whichever is later. Any such allowance shall be so adjusted only if it was in effect for at least one year prior to the date of such adjustment. Such adjustment in any year shall not exceed two percent of such allowance; provided, however, that no allowance shall be reduced below the amount being received by the member or his beneficiary on July 1, 1968, or on the effective date he began to receive the allowance, whichever is later.

(3) Any such increases in allowances shall be paid from funds which shall be allocated for that purpose by the retirement board from such earnings on investments not otherwise allocated and after crediting of regular interest to accumulated contributions as are in excess of two percent of the assets of the retirement system at the close of each fiscal year.

(4) Any such increases in allowances which are not funded by such allocations of such earnings, shall be funded by contributions of members under sections 8.507, 8.509, 8.544, 8.568 and by contributions of the city, which shall be at rates which are in addition to the rates of contribution otherwise provided by charter or ordinance,

8.526 – 8.530

provided that a member's rate of contribution shall not exceed one-half of one percent of his monthly compensation. The contributions made under this section by any member shall be credited together with regular interest thereon to his individual account and shall be subject to the same charter and ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances, provided, however, that upon his retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or the death allowance benefits payable on account of his death otherwise provided by charter or ordinance, but instead shall be held, together with the accumulated contributions made by the city pursuant to this subsection (B), with interest thereon, to provide the benefits under this subsection (B). Whenever such accumulated contributions of a member with interest have been paid to him on account of his termination of service or to his beneficiary or estate as a part of his termination of service or to his beneficiary or estate as a part of his death benefits, as provided by charter or ordinance, an amount equal to the amount of contributions and interest so paid shall be applied to reduce the contributions by the city then currently payable under this section. If a member, upon his reentry into membership after the withdrawal of his accumulated contributions, shall redeposit the accumulated contributions withdrawn with interest, as otherwise provided by the charter or ordinance, he shall redeposit the accumulated contributions made under this section with interest in the same manner and under the same conditions as the redeposit of his other accumulated contributions, and an amount equal to the amount of such redeposit of accumulated contributions made under this section with interest, shall become payable forthwith by the city to be included in the city's contributions under this section.

(5) The rates of contribution of members and the city, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

Part Five: Specific Adjustments to Retirement Allowances

8.530 Retirement—Miscellaneous Officers and Employees Prior to July 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on January 1, 1950, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 8.507, is hereby increased by the amount of twenty-five dollars per

month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to twenty-five dollars that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to January 1, 1950 or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for any time prior to January 1, 1950. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if his beneficiary is living on January 1, 1950, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on January 1, 1950, or if the retired member is not living on January 1, 1950, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon January 1, 1950, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city currently, as percentages of salaries of persons who are members under section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.531 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Prior to July 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on February 1, 1953, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 165 of the charter of 1932, as amended, is hereby increased by the amount of \$25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to \$25 that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to February 1, 1953, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to February 1, 1953. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if his beneficiary is living on February 1, 1953, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on February 1, 1953, or if the retired member is not living on February 1, 1953, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increase in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon February 1, 1953, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city currently, as

8.531 – 8.532

percentages of salaries of persons who are members under section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.532 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Prior to July 1, 1952

Every retirement allowance payable by the San Francisco City and County Employees' System, for time commencing on April 1, 1956, to or on account of any person who has retired prior to July 1, 1952, as a member of said system under Section 165 of the Charter of 1932, as amended, is hereby increased by the amount of \$25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to \$25 that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to April 1, 1956, or his successors in interest, any claim against the city and county for any increase in any retirement allowances paid or payable for time prior to April 1, 1956. If a member elected at retirement to have his retirement allowance modified under Option 2 or 3, provided by ordinance, and if the member and his beneficiary are living on April 1, 1956, the increase in the allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on April 1, 1956, or if the retired member is not living on April 1, 1956, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the

8.532 – 8.533

retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon April 1, 1956, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city currently, as percentages of salaries of persons who are members under section 8.509 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.533 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Prior to July 1, 1947

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, for time commencing on March 1, 1964, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 8.507, formerly section 165 of the Charter of 1932, as amended, is hereby increased by the amount of \$25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of service, then said monthly increase shall be an amount which shall bear the same ratio to \$25, that the service with which the member was entitled to be credited at the effective date of his retirement, bears to twenty years. This section does not give any member retired prior to March 1, 1964, or his successor in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for the time prior to March 1, 1964. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if both he and his beneficiary are living on March 1, 1964, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rates. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on March 1, 1964, or if the retired member is not living on March 1, 1964, and the beneficiary is

receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon March 1, 1964, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members.

The contribution being required of the city currently, as percentages of salaries of persons who are members under section 8.509 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with references to prior services, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.534 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Prior to July 2, 1952

Every retirement allowance payable by the San Francisco City and County Employees' Retirement System, from time commencing on February 1, 1957, to or on account of any person who was retired prior to July 2, 1952, as a member of said system under section 8.509 formerly section 165.2 of the charter of 1932, as amended, and to or on account of any person who was retired prior to July 2, 1952, but not prior to July 1, 1952, as a member of said system under section 8.507, formerly section 165 of the charter of 1932, as amended, is hereby increased by the amount of \$25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to \$25 that the service with which the member was entitled to be credited at effective date of retirement,

bears to twenty years. This section does not give any member retired prior to February 1, 1957, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to February 1, 1957. If a member elected at retirement to have his retirement allowance modified under Option 2 or 3, provided by ordinance, and if the member and his beneficiary are living on February 1, 1957, the increase in the allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on February 1, 1957, or if the retired member is not living on February 1, 1957, and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon February 1, 1957, from said reserves to the reserves held by the retirement system to meet the obligations of the city and county on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently as percentages of salaries of persons who are members under section 8.509, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with references to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.535 Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired on or After July 1, 1947, and Prior to April 1, 1966.

Every retirement allowance payable to or on account of a member who retired under the provisions of section 8.509 (formerly section

8.535 – 8.540

165.2 of the charter of 1932) on or after July 1, 1947, and prior to April 1, 1966, is hereby increased for time commencing on the effective date of this section, hereby designated as the first day of the month next following ratification by the State Legislature, to the amount it would have been if such allowance had been computed, on the date such member's retirement allowance was first effective, as if "average final compensation" were defined as the average monthly compensation earned by a member during any three consecutive years of credited service in the retirement system in which his average compensation is the highest.

This section does not give any person retired under the provisions of said section 8.509, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to the effective date of this section.

Any increase in any retirement allowance resulting from the calculation provided in this section shall be disregarded in connection with any adjustment of retirement allowances pursuant to the provisions of section 8.526 (formerly section 164.1 of the charter of 1932). *(Added 1972)*

Part Six: Provisions of Special Application to the Police Department

8.540 Members of the Police Department on January 8, 1932

Persons who are members of the police department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject to the following provisions in addition to the provisions contained in sections 3.670, 3.672, 8.500, 8.502, 8.510, 8.511, 8.520, and 8.560 of this charter:

(a) Any member of the department who has arrived or shall arrive at the age of sixty-two years, and who has completed thirty years of continuous service as an active member of the department next preceding his retirement, may retire from service at his option, provided that retirement shall be compulsory at the age of seventy years. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half of the amount of the monthly salary attached to the rank held by him three years prior to the date of his retirement, hereinafter referred to in this section and section 8.542 as a "pension."

Before the first payment of the pension is made, such retired member may elect to receive the actuarial equivalent of his pension, partly in a pension to be received by him throughout his life, and partly in other benefits payable after his death to another person or

persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits.

(b) Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, may be retired upon a monthly pension, as defined in subdivision (a), of this section, payable throughout his life. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

(c) The family of any member of the department who may be killed or injured while in the performance of his duties, and who shall have died within three (3) years from the date of such injury as a result of such injury, shall receive the following benefits and the receipt by such member of a pension under this section during his lifetime shall not bar said family from such benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, such widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or such children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or children collectively shall receive a monthly pension equal to one-half of the salary attached to the rank held by their father at the time of his said injury until the youngest attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury during such time as the retirement board may unanimously determine its necessity.

(d) A sum equal to the contributions, with interest, made by persons who become members of the retirement system under this section to any other pension fund shall be paid by the city and county to the retirement system. Each member of the department shall contribute two dollars (\$2) per month to the retirement system

to be applied on the cost of the benefits at death and retirement provided under this section. Should a member be separated from city service through any cause other than death or retirement, then such contributions with interest shall be refunded to him under such conditions as may be fixed by the board of supervisors for the refund of contributions of other members of the retirement system.

(e) When any member of the department shall die from natural causes and before retirement, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(f) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which, together with the members' contributions provided for in subdivision (d) of this section, shall be equal to the liabilities accruing under the retirement system because of the service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contributions by the city and county, together with the members' contributions, was not sufficient to meet such liability, then the city and county shall make such additional contributions as may be necessary to make up the deficit.

(g) No benefits shall be provided under the retirement system for, nor shall any contribution be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section.

That portion of any pension payable because of the death or retirement of any such person which is provided by contributions of the city and county shall be reduced, in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the workmen's compensation insurance and safety law of the State of California.

(h) Persons who were members of the police department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of January, 1936, of becoming

8.540 – 8.542

members of the retirement system under the provisions of section 8.543, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then on and after the first day of the month next following such affirmative action, referred hereinafter in this subdivision (h) as “effective date,” they shall not receive any benefit or make any contribution under this section, but on and after said effective date shall be members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to said effective date, by such members’ contributions made prior to such effective date, with interest, and by contributions of the city and county, which pension shall be the same percentage regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of such service, as the contributions of the member and the city and county are calculated to provide upon retirement at age sixty-two for each year of service rendered as a member of the retirement system.

8.541 Salary Base, for Retirement Purposes, of Former Rank of Corporal of Police

For all purposes of the retirement system, and notwithstanding any other provisions of the charter, the monthly salary attached to the former rank of corporal, heretofore held by a member of the police department, shall henceforth be deemed to be an amount equal to the maximum monthly salary attached to the rank of police officer, plus three-fourths of the difference between such amount and the monthly salary attached to the rank of sergeant.

8.542 Police Department—Retired Members and Beneficiaries on January 8, 1932

Any member of the police department who shall have been retired and shall be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension, subject to the provisions of section 8.540 governing the payment of pensions. Such pension shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children or parents, except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of

8.542 – 8.544

death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the board of supervisors.

8.543 Members of the Police Department— January 8, 1932 to July 1, 1945

Persons who become members of the police department after the 8th day of January, 1932, and prior to July 1, 1945, shall become members of the retirement system subject only to the following provision in addition to the provisions contained in sections 3.670, 3.672, 8.500, 8.501, 8.502, 8.510, 8.511, 8.520, 8.525 and 8.560 of this charter: No such member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of sixty-two years, and completed twenty-five years of continuous service, except that retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service, the benefits of retirement in such cases to be determined, because of retirement at an age below sixty-two, in accordance with the tables recommended by the actuary and approval by said retirement board.

8.544 Members of the Police Department after July 1, 1945

Members of the police department, as defined in section 8.545, who are members of the retirement system under sections 8.507, 8.540 or 8.543 of the charter on the first day of July, 1945, and persons who become members of said department after said date, shall be members of the retirement system under this section 8.544 on and after said date, and shall be subject to the following provisions of section 8.544 and sections 8.545, 8.546, 8.547, 8.548, 8.549, 8.551, 8.552, 8.553, 8.554, 8.555, 8.556, 8.557, 8.558, and 8.559 (which shall apply only to members under section 8.544 unless otherwise indicated) in addition to the provisions contained in sections 3.670, 3.671, 8.500, 8.510, and 8.520 of this charter notwithstanding the provisions of any other section of the charter. Members of the said department who are members of the retirement system under section 8.540 of the charter on July 1, 1949, however, shall have the option to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after July 1, 1949, of being members of the system under section 8.540 instead of section 8.544, the election under said option to be effective on said date. In like manner, members of the said department who are members of the retirement

8.544 – 8.545

system under section 8.507 or 8.543 of the charter shall have the option, to be exercised in writing on a form furnished by the retirement system, and to be filed at the office of said system not later than ninety days after July 1, 1949, of being members of the system under sections 8.507 or 8.543, respectively, instead of section 8.544 the election to be effective on said date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 8.520 of the charter, on the effective date of the amendment shall have the same option of electing to be members under sections 8.507, 8.540 or 8.543, as the case may be, instead of section 8.544, until ninety days after return to service in the police department.

On and after July 1, 1949, the persons who affirmatively exercise said option, shall continue to be members of the system under sections 8.507, 8.540, or 8.543, respectively, and shall not be subject to any of the provisions of section 8.544.

8.545 Definitions

The following words and phrases as used in this section, unless a different meaning is plainly required by the context shall have the following meanings:

“Retirement allowance,” “death allowance,” or “allowance” shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation,” as distinguished from benefits under the Workmen’s Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

“Compensation earnable” shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

“Benefit” shall include “allowance,” “retirement allowance,” “death allowance” and “death benefit.”

“Final compensation” shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, “final compensation,” as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member’s death before retirement as the result of a violent traumatic injury received in the performance of his duty, “final compensation,” as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of “final compensation” contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the city and county for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the retirement system and of this section, the terms “member of the police department,” “member of the department” or “member” shall mean any officer or employee of the police department whose employment therein began prior to January 1, 1900, or whose employment therein began or shall begin after that date, and was or shall be subject to the charter provisions governing entrance requirements for members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1945, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police patrol driver, police motor boat operator, woman protective officer, police woman or jail matron. Any police service performed by such member of the police department outside the limits of the city and

8.545 – 8.546

county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

“Retirement system” or “system” shall mean San Francisco City and County Employees’ Retirement System as created in section 8.600 of the charter.

“Retirement board” shall mean “retirement board” as created in section 3.670 of the charter.

“Charter” shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

“Interest” shall mean interest at the rate adopted by the retirement board. (*Amended 1972*)

8.546 Service Retirement

Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.554, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.545, plus an allowance at the rate of three percent of said final compensation, for each year of service rendered after qualifying as to age and service for retirement; provided, however, that such retirement allowance shall not exceed seventy percent of said member’s final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.554, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.545 as the service with which he is entitled to be credited, bears to twenty-five years. If at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless

8.546 – 8.547

of dependents at retirement, a member retired under this section, or section 8.547, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

8.547 Retirement for Incapacity

Any member of the police department who becomes incapacitated for the performance of his duty by reason of bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.545, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty percent nor more than ninety percent of the final compensation of said member, as defined in section 8.545. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation as defined in section 8.545 he would have received immediately prior to said date had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation. If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.546, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.546 but not less than fifty-five percent of said final compensation. Any member of the police department who becomes incapacitated for the performance of his duty, by reason of a cause not included under the provisions of

8.547 – 8.548

the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 8.554 shall be retired upon an allowance of one and one-half percent of the final compensation of said member, as defined in section 8.545, for each year of service provided that said allowance shall not be less than thirty-three and one-third percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

8.548 Death Allowance

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife, throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on day of death, but such allowance shall not be less than fifty-five percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation. If he had retired prior to death for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 8.544 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance

8.548 – 8.549

continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents depending upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

8.549 Payment to Surviving Dependents

Upon the death of a member of the police department resulting from any cause, other than injury received in or illness caused by performance of duty, (a) if his death, occurred after qualification for service retirement under section 8.540, 8.543 or 8.546, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by the performance of duty, three-fourths of his retirement allowance to which he would have been entitled if he had retired for service at the time of his death or three-fourths of his retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife or (b) if his death occurred after retirement because of disability which resulted from injury received in, or illness caused by the performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not

8.549 – 8.550

remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or the onset of the illness which results in death, if he had not retired, or unless she was married to the member at least one year prior to his retirement.

As used in this section and section 8.548, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.552 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age eighteen may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore or hereafter retired under other charter sections, as members of the police department at the time of retirement, shall be subject to the provisions of this section. With respect to members under section 8.544, "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 8.544 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.554.

8.550 Adjustment of Allowances

(a) Every allowance based on the average monthly compensation earnable by the member during the three or ten years prior to retirement or death, and payable for time commencing on April 1, 1952, to or on account of persons who were retired or who died prior to January 1, 1951, as members of the police department, shall

be adjusted to the amount it would be if it had been based on the monthly compensation fixed in section 35.5 of the charter of 1932 as amended as of July 1, 1951, for the rank of police officer in the respective years of service, regardless of the rank or position the member held in the department prior to his retirement, or death before retirement. Every service retirement allowance under section 8.543 which is included in the sentence next preceding, shall be adjusted to what it would have been, if prior to optional modification, the allowance had been fifty percent of said monthly compensation. Allowances payable under sections 8.547, 8.548 or 8.561 to or on account of persons who were retired for disability or died prior to January 1, 1951, on and after the date such persons would have qualified for service retirement, shall be calculated as provided in said sections 8.547, 8.548, or 8.561, respectively. The provisions of section 8.549 with respect to continuance of one-half of retirement allowance upon deaths after retirement, shall be applied from April 1, 1952, as if they were effective on November 2, 1948. This section does not authorize any decrease in any allowance from the amount being paid as of April 1, 1952, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the city and county for any increase in any allowance paid or payable for the time prior to April 1, 1952. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to services rendered by the member in the same manner that the allowance prior to increase was apportioned. Contributions to the retirement system, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the retirement system, shall be provided from the reserves held by the retirement system on account of members under section 8.544, the necessary amount being transferred upon April 1, 1952, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently, as a percentage of salaries of persons who are members under section 8.544, shall be increased to a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to current and prior service portions of the allowances which are not paid from reserves held by the retirement system, shall be paid to the system by the city and county by annual appropriations, provided

that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

(b) Every retirement or death allowance payable for time commencing on April 1, 1956, to or on account of any person who died or was retired prior to November 8, 1955, as a member of the police department, unless such person was retired or died as a member of the retirement system or the former police relief and pension fund, under any section of the charter, other than section 8.543, or 8.544, is hereby increased by the amount of \$25.00 per month; provided, however, that such increased retirement allowance or death allowance shall not exceed 50 percent of the compensation as of July 1, 1954, attached to the rank of police officer in the fourth year of service as set forth under section 35.5 of the charter of 1932, as amended regardless of the rank or position the member held in the department prior to his retirement or death before retirement.

Such increase shall not be modified under, nor subject to, Option 2 or 3 provided by ordinance. Allowances payable under sections 8.547, 8.548, or 8.561, to or on account of persons who were retired for disability or died prior to November 8, 1955, on and after the date such persons would have qualified for service retirement, shall be calculated as provided in said sections 8.547, 8.548, or 8.561, respectively.

This section does not authorize any decrease in any allowance from the amount being paid as of April 1, 1956, nor does this section give any member who retired, or the beneficiary of any member who died prior to April 1, 1956, or his successors in interest, any claim against the city and county for any increase in retirement allowance paid or payable for time prior to April 1, 1956.

The increase in allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system under section 8.543 or 8.544, and service rendered as such a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the increases in the allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members under section 8.543 or 8.544 from the reserves held by the retirement system on account of members of the retirement system under section 8.544, the necessary amount being transferred upon April 1, 1956, from said reserves to the reserves held by the retirement system to meet the obligations on account of allowances which are increased by this subsection 8.550 (b). The contribution being required of the city and county currently, as percentages of salaries of persons who are members under section 8.543 or 8.544, shall be paid

8.550 – 8.553

to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.551 Adjustment of Allowances Because of Compensation Benefits

That portion of any allowance payable because of the death or retirement of any member of the police department, which is provided by contributions of the city and county, shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits, other than medical benefits, payable to or on account of such person, under the Workmen's Compensation Insurance and Safety Law of the State of California and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of any benefits, other than medical benefits, payable to or on account of such persons under the said law of the State of California, and shall be in satisfaction and discharge of the obligation of the city and county to pay such benefits.

8.552 Death Benefits

If a member of the police department shall die, before retirement, from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under sections 8.548 or 8.549 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a similar benefit upon the death of other retired members.

8.553 Refunds and Redeposits

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of

8.553 – 8.554

the retirement system. If he shall again become a member of the police department, he shall redeposit in the retirement fund the amount refunded to him. Contributions with interest, which are credited because of service rendered in any other office or department and which will not be counted under section 8.554 to any person who becomes a member of the retirement system under section 8.544, shall be refunded to him forthwith. Should a member of the police department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be, to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or department at the rate of compensation received by him in the police department, and he shall receive credit for service for which said contributions were made, according to the charter section under which his membership in the retirement system continues.

8.554 Computation of Service

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement, and calculating benefits, excluding, however, any time the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other charter section, and not redeposited upon re-entry into service:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(2) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(3) Time during which said member is entitled to receive compensation while a member of the retirement system, because of service rendered in other offices and departments before July 1, 1949, provided that accumulated contributions on account of such service, previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under section 8.547 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after June 30, 1949, and receives compensation because of services rendered in other offices and departments.

8.554 – 8.555

(4) Time during which said member is absent from a status included in paragraphs (1), (2) or (3) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in section 8.520 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the city and county contributed or contributes on his account.

8.555 Sources of Funds

All payments provided for persons who are members under section 8.544 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member shall be based on his age taken to the next lower complete quarter year, (a) at the date he became a member under section 8.507 or 8.543, in the case of persons who are members under these sections, or (b) at July 1, 1945, in the case of persons who are members under section 8.540, and his age taken to the next lower completed quarter year, when he entered the police department, or (c) on his age at the date he becomes a member under section 8.544, in the case of persons who become members on or after July 1, 1945, without credit for services counted under section 8.554. The age of entrance into the police department shall be determined by deducting the member's service credited under section 8.554 as rendered prior to the date upon which his age is based for determination of the rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 8.544, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 8.546, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, without discount of allowance, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six percent.

(2) The dependent rate of contribution of each member which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such

member, will provide, assuming service without interruption under section 8.546, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 8.549, after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement from disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under section 8.544, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said members or shall be paid to said member or his estate or beneficiary as provided in sections 8.552, 8.553, and 8.554.

(4) Contributions based on time included in paragraphs (1), (2), (3) and (4) of section 8.554 and deducted prior to July 1, 1945, from compensation of persons who become members under section 8.544, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under section 8.544, shall be applied to provide the benefits under said section.

(6) The city and county shall contribute to the retirement system

such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 8.555, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1), section 8.555 shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 8.544, said percentage to be the ratio of the value on July 1, 1945, or at the later date of a periodical actuarial valuation and investigation into the experience under the system of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligation of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to July 1, 1945, and which are represented on July 1, 1945, in the accounts of said system by debits against the city and county.

8.556 – 8.561

8.556 Right to Retire

Upon the completion of the years of service set forth in section 8.546 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said section 8.546, and nothing shall deprive said member of said right.

8.557 Limitation on Employment during Retirement

No person retired as a member under section 8.544 after June 30, 1945, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

Part Seven: Provisions of Special Applications to the Police and Fire Departments

8.560 Definition, Members of Fire and Police Department

For the purpose of the retirement system, any officer or employee of the police or the fire departments whose employment therein began prior to January 1, 1900, or whose employment therein began on or shall begin after that date and was or shall be subject to a charter maximum age at the time of employment of not over thirty-five years, shall be considered to be a member of the police department or the fire department, respectively. Any fire or police service outside the limits of the city and county performed by a member of the retirement system and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

8.561 Pension Provisions—Dependent of Members of Fire and Police Departments Killed in Line of Duty

If a member of the fire or police departments, as defined in the charter for the purposes of the retirement system, or a member of the salvage corps in the fire department, or any person employed by the city and county to perform duties now performed under the titles of pilot of fireboats, marine engineer of fireboats, or marine fireman of fireboats, all of whom are hereinafter designated as members, shall die before or after retirement as a result of an injury received in, or illness caused by the performance of his duty, a

monthly allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than one-half of the average monthly compensation earnable by said member during the three years immediately preceding death, and if he had retired prior to death, the allowance payable shall be equal to the retirement allowance of the member. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the average monthly compensation he would have received during the three years immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than one-half of such average monthly compensation. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this subsection to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

Benefits provided under this section shall be in lieu of all benefits payable under other sections of the charter upon death of such member resulting from an injury received in, or illness caused by the performance of duty, except the five hundred dollar benefit payable upon death after retirement.

Contributions to provide the allowance under this section shall be made to the San Francisco City and County Employees' Retirement System by the city and county. The amount of the contribution shall be determined and payment to the system shall be made in the same manner as contributions are determined and paid which are required for other benefits provided under the retirement system for the respective groups of members who are included under this section.

Notwithstanding any other provision of this charter, any member of the salvage corps in the fire department, or any person employed by the city and county to perform duties now performed under the titles of pilot of fire boats, marine engineer of fire boats, or marine fireman of fire boats, who becomes incapacitated for performance of his duty by reason of any bodily injury received in or illness caused by the performance of his duty, shall receive the same benefits as members of the fire department who are members of the retirement system under section 8.567 of the charter.

8.562 Credit for Service in Underwriters' Fire Patrol

Any person who is a member under section 8.568 on February 1, 1970, and who was employed in the uniformed force of the Underwriters' Fire Patrol of San Francisco prior to becoming such a member shall have the right to elect to make contributions pursuant to this section and to receive credit as service under the retirement system for all or any part of the time he was so employed.

Said election shall be made in writing on a form provided by the retirement system and filed with the retirement board within ninety (90) days after February 1, 1970.

Any such member who elects to make contributions and receive such credit shall contribute to the retirement fund an amount equal to the sum of (a) contributions computed by applying the rate of contribution applicable to him on the date he elected to receive credit for such service to the monthly compensation earnable by him on said date multiplied by the number of months of such service for which he has elected to receive credit and (b) interest on the unpaid balance of said contributions, commencing on the date of the member's election to make such contributions, at the rate of interest currently being used from time to time under the retirement system.

Payment of the contributions required by this section shall be made in a lump sum or by installment payments. Installment payments shall be made at times and in a manner fixed by the retirement board, provided that the period for completion of such payments shall not extend beyond the effective date of the member's retirement.

Upon completion of payment of contributions in the amount

specified in this section, the member shall be credited with service under the retirement system in an amount equal to the service for which he has elected to receive credit pursuant to this section. The service with which the member is so credited shall be credited as current service.

**Part Eight: Provisions of Special Application
to the Fire Department**

8.565 Members of Fire Department on January 8, 1932

Persons who are members of the fire department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject only to the following provisions, in addition to the provisions contained in sections 3.670-3.672, 8.500-8.502, 8.510, 8.511, 8.520, and 8.560 of this charter.

(a) Any member of the fire department who shall have completed twenty-five years of continuous service as a member of the fire department next preceding the date of his retirement, or any member of the fire department who shall have reached the age of fifty-five years and shall have completed twenty years of continuous service as a member of the fire department next preceding the date of his retirement, may retire from service at his option. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty may be retired from service on satisfactory proof thereof. The retirement board, by unanimous vote, may retire from service any aged, disabled or infirm member of the fire department who has arrived at the age of sixty years and who has completed twenty years of continuous service as a member of the department next preceding such age, who may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half the amount of the salary attached to the rank held by him three years prior to the date of his retirement hereinafter referred to as "pension" in this and the following section; provided that where such retirement is based on disability alone, in case the disability of such member shall cease, his pension shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. Should any said retired member die leaving a widow, who shall have been married to the decedent at least one year prior to the date of his retirement, such widow shall, as long as she may live and remain unmarried, be paid said pension; provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall

continue to be paid such child or such children collectively until the youngest child arrives at the age of sixteen years; and provided, further, that should said retired member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive said pension until the youngest child attains the age of sixteen years.

(b) The family of any member of the fire department who shall die as a result of any injury received during the performance of his duty, or from sickness clearly, unmistakably and directly caused by and resulting from the discharge of such duty, or while eligible for a pension on account of years of service in the department, or who has served twenty consecutive years in the department and attained the age of fifty-five years, shall receive the following benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, his widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury, provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or such children collectively shall receive said pension until the youngest child attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive said pension during such time as the retirement board may unanimously determine its necessity.

(c) When any member of the department shall die from natural causes and before retirement, and when no pension is payable to his widow or children, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

8.565 – 8.566

(d) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which shall be equal to the liabilities accruing under the retirement system because of service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the city and county was not sufficient to meet such liability, then the city and county shall make such additional contribution as may be necessary to make up the deficit.

(e) No benefits shall be provided under the retirement system for, nor shall any contributions be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section. Any pension payable because of the death or retirement of any such person shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the Workmen's Compensation Insurance and Safety Law of the State of California.

(f) Persons who are members of the fire department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of July, 1932, of becoming members of the retirement system under the provisions of section 8.567, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit under this section, but shall become members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to the 8th day of January, 1932, by contributions of the city and county, which pension shall be the same percentage, regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of service, as the contributions of the member and the city and county are calculated to provide upon retirement at age fifty-five for each year of service rendered as a member of the retirement system.

8.566 Fire Department—Retired Members and Beneficiaries on January 8, 1932

Any member of the fire department who shall have been retired on or after January 21, 1925, or prior to January 1, 1900, and shall

8.566 – 8.568

be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension subject to the provisions of section 8.565 governing the payment of pensions to retired members, widows, children and parents. Any member of the fire department who shall have been retired on or after the 1st day of January, 1900, and prior to the 21st day of January, 1925, and shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension throughout his life, subject to the provisions of section 8.565 governing the payment of pensions granted because of disability incurred in the performance of duty, including the payment of such pension to widows, children and parents of deceased members who had been retired because of such disability. Such pensions shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children or parents; except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the board of supervisors.

8.567 Members of the Fire Department— January 8, 1932 to July 1, 1949

Persons who become members of the fire department after the 8th day of January, 1932 and prior to July 1, 1949, shall become members of the retirement system subject only to the following provision in addition to the provisions contained in sections 3.670-3.672, 8.500-8.502, 8.510, 8.511, 8.520, 8.525 and 8.560 of this charter. No member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of fifty-five years and completed twenty years of continuous service, except that retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below fifty-five, in accordance with the tables recommended by the actuary and approved by said retirement board.

8.568 Member of the Fire Department After July 1, 1949

Members of the fire department, as defined in section 8.569, who are members of the retirement system under sections 8.507, 8.509, or 8.567 of the charter on the first day of July, 1949, and persons

8.568 – 8.569

who become members of said department after said date, shall be members of the retirement system under this section 8.568 on and after said date, and shall be subject to the following provisions of section 8.568 and sections 8.569, 8.570, 8.571, 8.572, 8.573, 8.575, 8.576, 8.577, 8.578, 8.579, 8.580, 8.581 in addition to the provisions contained in sections 3.670-3.672, 8.500-8.504, 8.506, 8.510 and 8.520 of this charter notwithstanding the provisions of any other section of the charter. Members of the said department who are members of the retirement system under sections 8.507 or 8.509 of the charter, on July 1, 1950, however, shall have the option to be exercised in writing, on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after said date, of being members of the system under sections 8.507 or 8.509 instead of section 8.568, the election under said option to be effective on said date, provided, that members who are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 8.520 of the charter, on July 1, 1949, shall have the same option of electing to be members under sections 8.507 or 8.509, as the case may be, instead of section 8.568 until ninety days after their return to service in the fire department. On and after said date the persons who affirmatively exercise said option, shall continue to be members of the system under section 8.507 or 8.509, respectively, and shall not be subject to any of the provisions of section 8.568.

8.569 Definitions

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

“Retirement allowance,” “death allowance” or “allowance,” shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation,” as distinguished from benefits under the Workmen’s Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

“Compensation earnable” shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and

at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department, he was in the rank or position first held by him in such department.

“Benefit” shall include “allowance,” “retirement allowance,” “death allowance” and “death benefit”.

“Final compensation” shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, “final compensation,” as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member’s death before retirement as the result of a violent traumatic injury received in the performance of his duty, “final compensation,” as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

The amendment of the definition of “final compensation” contained in the proposition therefor submitted to the electorate on June 6, 1972, shall be retroactive and shall be applicable to any death allowance first effective on or after July 1, 1971. Said amendment does not and shall not increase any death allowance first in effect prior to July 1, 1971, nor shall said amendment give any person receiving a death allowance, or his successors in interest any claim against the city and county for any increase in any death allowance paid or payable for time prior to July 1, 1971.

For the purpose of the retirement system and of this section, the terms “member of the fire department,” “member of the Department,” or “member” shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the retirement system under section 8.565 of the charter, who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department,

8.569 – 8.570

and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1949, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties not performed by members of the salvage corps in the fire department, or duties now performed under the titles of pilot of fireboats, marine engineer of fire boats, marine fireman of fireboats, or hydrant-gateman. Any fire service performed by such member of the fire department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

“Retirement system” or “system” shall mean San Francisco City and County Employees’ Retirement System as created in section 8.500 of the charter.

“Retirement board” shall mean “retirement board” as created in Section 3.670 of the charter.

“Charter” shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

“Interest” shall mean interest at the rate adopted by the retirement board. (*Amended 1972*)

8.570 Service Retirement

Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.578, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.569 plus an allowance at the rate of three percent of said final compensation, for each year of service rendered after qualifying as to age and service for retirement; provided, however, that such retirement allowance shall not exceed seventy percent of said member’s final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.578, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said

8.570 – 8.571

member, as defined in section 8.569, as the service with which he is entitled to be credited, bears to twenty-five years. If, at the rate of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 8.571, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

8.571 Retirement for Incapacity

Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.569, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty percent nor more than ninety percent of the final compensation of said member, as defined in section 8.569. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as

8.571 – 8.572

defined in section 8.569, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.570 he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.570, but not less than fifty-five percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 8.578, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in section 8.569 for each year of service, provided that said allowance shall not be less than thirty-three and one-third percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

8.572 Death Allowance

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than fifty-five percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the

8.572 – 8.573

retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 8.568 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, than the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

8.573 Payment to Surviving Dependents

Upon the death of a member of the fire department resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 8.570, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife, or (b) if his death occurred after retirement for disability by reason of injury received in or illness

caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or (c) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.578; an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.571 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his retirement.

As used in this section and section 8.572, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.576, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age eighteen, may make such election, and if there be no such children, the dependent parent or

8.573 – 8.574

parents may make such election. Persons heretofore retired under charter section 8.567 as members of the fire department, at the time of retirement shall be subject to the provisions of this section. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 8.568 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.578.

8.574 Adjustment of Allowances

Every allowance based on the average monthly compensation earnable by the member during the ten years prior to retirement, and payable for time commencing on February 1, 1957, to or on account of persons who were retired, as members under section 8.567, for disability resulting from bodily injury received in the performance of duty, shall be adjusted to the amount it would be, if it had been based on the monthly compensation fixed by the board of supervisors as of July 1, 1956, for the rank or position held by such retired member in the fire department prior to retirement. This section does not authorize any decrease in any allowance from the amount being paid as of February 1, 1957, nor does this section give any retired member, or any beneficiary of such member, or his successors in interest, any claim against the city and county for any increase in any allowance paid or payable for the time prior to February 1, 1957. Adjustment in reserves under allowances which are changed according to this section, shall be made on the basis of current interest rate and mortality tables.

The increase in the retirement allowance shall be apportioned according to service rendered by the member in the same manner that the allowance prior to increase was apportioned. Contributions to the retirement system, necessary for the payment of the increase of the portion of the retirement allowances which is paid from reserves held by the retirement system, shall be provided from the reserves held by the retirement system on account of members under section 8.568, the necessary amount being transferred upon February 1, 1957, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city and county currently, as a percentage of salaries of persons who are members under section 8.568, shall be increased to a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to

8.574 – 8.577

current and prior service portions of the allowances which are not paid from reserves held by the retirement system, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

8.575 Adjustment for Compensation Payments

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the city and county, shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits other than medical benefits, payable to or on account of such person, under the Workmen's Compensation Insurance and Safety Law of the State of California and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under said law of the State of California and shall be in satisfaction and discharge of the obligation of the city and county to pay such benefits.

8.576 Death Benefit

If a member of the fire department shall die, before retirement, from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 8.572 or 8.573 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

8.577 Refunds and Redeposits

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the

8.577 – 8.578

retirement system. If he shall again become a member of the department, he shall redeposit in the retirement fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under section 8.578, to any person who becomes a member of the retirement system under this section, shall be refunded to him forthwith. Should a member of the fire department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or department at the rate of compensation received by him in the fire department and he shall receive credit for service for which said contributions were made, according to the charter section under which his membership in the retirement system continues.

8.578 Computation of Service

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement, and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other charter section, and not redeposited upon re-entry into service:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(2) Time during which said member is entitled to receive compensation while a member of the retirement system, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service, previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for purpose of determining qualification for retirement under section 8.571 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(3) Time during which said member is absent from a status included in paragraphs (1) and (2) next preceding, by reason of service in the armed forces of the United States of America, or by

8.578 – 8.579

reason of any other service included in section 8.520 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the city and county contributed or contributes on his account.

8.579 Sources of Funds

All payments provided for members under section 8.668 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under this section shall be based on his age taken to the next lower complete quarter year, (a) at the earlier of the dates he became a member under section 8.507, 8.509 or 8.567, in the case of persons who are members under these sections, or (b) on his age at the date he becomes a member under section 8.568 in the case of persons who become members on or after July 1, 1949, without credit for service counted under section 8.578. The age of entrance into the fire department shall be determined by deducting the member's service credited under section 8.578 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 8.568, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 8.570, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six percent.

(2) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 8.570, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 8.573 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date

of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in sections 8.576, 8.577 and 8.578.

(4) Contributions based on time included in paragraphs (1), (2) and (3) of section 8.578, and deducted prior to July 1, 1949, from compensation of persons who become members under section 8.568, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under section 8.568, shall be applied to provide the benefits under said section.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 8.579, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his

8.579 – 8.580

rate of contribution in paragraph (1) section 8.579, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 8.568, said percentage to be the ratio of the value on July 1, 1949, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to July 1, 1949, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

8.580 Right to Retire

Upon the completion of the years of service set forth in section 8.570 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said section 8.570, and nothing shall deprive said member of said right.

8.581 – 9.100

8.581 Limitation on Employment during Retirement

No person retired as a member under section 8.568 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

Notwithstanding any provision in this charter to the contrary, should any such retired person engage in a gainful occupation prior to attaining the age of sixty, the retirement board shall reduce that part of his monthly retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the compensation earnable at the time he engages in the gainful occupation, by the member if he then held the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member if he held the position from which he was retired, immediately prior to its abolition.

ARTICLE IX

ELECTIONS

9.100 Elective Officers and Terms

The mayor, the members of the board of supervisors, an assessor, a district attorney, a city attorney, a sheriff, a treasurer, a public defender, and commencing with a special municipal election to be consolidated with the direct primary in 1972, the members of the board of education shall be elected at large by the voters of the city and county.

At the general municipal election in 1943, and at the general municipal election in every fourth year thereafter, there shall be elected a mayor, six supervisors, a district attorney and a sheriff, and at the general municipal election in 1945, and at the general municipal election in every fourth year thereafter, there shall be elected five supervisors, a city attorney, and a treasurer, and at the general election in 1942, and at the general election in every fourth year thereafter there shall be elected an assessor and a public defender. At a special municipal election to be consolidated with the direct primary in 1972, seven members of the board of education

9.100 – 9.101

shall be elected at large. All of the aforesaid officials except as set forth herein, shall be elected for a term of four years, from the commencement of their respective terms as herein specified.

The respective terms of the members of the board of education who shall hold office on the 8th day of August, 1972, shall expire at twelve o'clock noon on said date, and the persons elected as members of the board of education at a special municipal election to be consolidated with the direct primary in 1972 shall succeed to said offices at twelve o'clock noon on said 8th day of August, 1972. The respective terms of office of the members of the board of education elected at a special municipal election to be consolidated with the direct primary in 1972, shall be as follows: The four members receiving the highest number of votes respectively at said election shall hold office for a term consisting of the period of time until the 8th day of January, 1977; the three members receiving the next highest number of votes respectively at said election shall hold office for a term of consisting of the period of time until the 8th day of January, 1975. Thereafter the term of each member elected to the board of education shall be four years from the commencement of his term as herein specified.

At the general election in 1974 there shall be elected three members of the board of education to succeed those members thereof whose respective terms of office expire on the 8th day of January, 1975, and at the general election in each fourth year after 1974, the successors to said three members of the board of education shall be elected, and at the general election in 1976 there shall be elected four members of the board of education to succeed those members thereof whose respective terms of office expire on the 8th day of January 1977, and at the general election in each fourth year after 1976, the successors to said four members of the board of education shall be elected. Except as set forth herein, all terms of office of elective officials shall commence at twelve o'clock noon on the 8th day of January following the date of their election.

No person elected as mayor or supervisor shall be eligible, for a period of one year after his last day of said service as mayor or supervisor, for appointment to any full time position carrying compensation in the city and county service.

9.101 Limit on Terms of Mayor

No person elected as mayor shall be eligible to serve, or serve, as such for more than two successive terms; but such service shall not disqualify any person for further service as mayor for any term or terms which are not successive, nor for any parts of terms which are not successive.

9.102 – 9.104

9.102 Registrar of Voters

The conduct, management and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the city and county shall be vested exclusively in the registrar of voters. He shall establish precincts in the city and county as provided by law. The regular and temporary forces under the registrar, and the temporary forces, shall be appointed by him subject to the civil service provisions of this charter.

9.103 Municipal Elections

On Tuesday after the first Monday in November in 1931 and every second year thereafter, there shall be held in the city and county an election to be known as the general municipal election, at which the electors of the city and county shall choose such officers as are required by this charter to be elected at that time. Special municipal elections shall be called by the registrar when required by this charter on the filing of appropriate initiative, referendum or recall petitions, as provided by this charter, and may be called by the supervisors for bond issues, declarations of policy, or for the voting on candidates for city and county offices not subject to election at general municipal elections.

All provisions of the general laws of this state, including penal laws, respecting the registration of voters, initiative, referendum and recall petitions, elections, canvass of returns and all matters pertinent to any and all of these, shall be applicable to the city and county except as otherwise provided by this charter or by ordinance adopted by the board of supervisors as authorized by this charter relative to any rights, powers or duties of the city and county or its officers. When not prohibited by general law, the supervisors by ordinance may provide that the publication of precincts and polling places shall be by posting only.

9.104 Nomination of Elective Officers

The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy, a nomination paper signed by not less than forty nominators and certificates of not less than twenty nor more than thirty sponsors shall have been filed on his behalf, and when the nomination shall have been made in the following manner: The candidate, not more than sixty days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications in not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its

date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy a sum equal to two percent (2%) of the current annual salary for the office for which he is a candidate. After said declaration shall have been signed, certified and filed, and not later than forty-five days before said election in November a nomination paper, in the form prescribed by the registrar for all candidates, signed by not less than forty nominators for the said candidate, who are electors of the city and county qualified to vote at the said municipal election, shall be filed with the registrar and not less than twenty nor more than thirty sponsors for the said candidate, who are electors of the city and county qualified to vote at the said municipal election shall appear before the registrar and shall certify under oath to the qualifications of the said candidate on a form of certificate prescribed by the registrar for all sponsors of all candidates. The candidate shall have the right to reject any unsolicited sponsor.

In the event the registrar shall refuse to file such declaration of candidacy, nomination paper therefor or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration, nomination paper or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration, nomination paper or certificate presented to the registrar shall prevent the filing of another declaration, nomination paper or certificate within the period allowed for presenting the declaration, nomination paper or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than forty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every candidate who has been nominated for office as hereinbefore provided shall be placed on the ballot in alphabetical order in accordance with the initial letter of his surname, under the heading of the office for which said candidate has been nominated in the following manner: The name of the candidate highest on the alphabetical list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly district, the name of the candidate appearing first for said office in the last preceding district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

9.104 – 9.105

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidates' declarations, nomination papers and all sponsors' certificates filed in accordance with this section.

9.105 Material on Candidates Mailed to Voters

The registrar shall, before each municipal election, cause to be printed in pamphlet form and mailed to each registered voter with the sample ballot, a copy of all statements of qualifications of candidates received by him, to be followed by the names and addresses and occupations of all sponsors of all officers to be voted for in said city and county.

The registrar shall cause ballots to be printed identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote on such election a copy of the ballot to be used in his district, so that all said sample ballots shall have been mailed at least eight days before said election. The rotation of names of candidates on ballots shall be as provided by general law.

9.106 – 9.108

9.106 Precinct Boards of Election

The registrar shall, at each municipal or special election, prepare lists for and appoint for each election precinct a precinct board of election officers to hold and conduct such election at the precinct for which said board is appointed. Such board shall consist of one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling place, except as in this charter provided. When voting machines are used, one inspector and two judges shall be appointed. The general law as to the appointment of election officers shall apply when not otherwise provided herein. The registrar is authorized to withhold the pay of any election officer who neglects, disregards or violates the election laws.

9.107 Results of Election – Failure to Qualify

The canvass of voters, canvass of returns, declaration of election and certificate of election shall be made as provided by general law. If a person elected fails to qualify, the office shall be filled as in this charter provided for a vacancy in such office.

9.108 Initiative, Referendum, and Recall

The registered voters shall have power to propose by petition, and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the board of supervisors to enact, or any legislative act which is within the power conferred upon any other board, commission or officer to adopt, or any amendment to the charter. Such ordinance, act, charter amendment or other measure may be so proposed by filing with the registrar a petition setting forth said measure in full, signed by registered voters of the city and county as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of mayor cast at the last preceding regular municipal election.

Any declaration of policy may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the qualified electors voting on said declaration, it shall thereupon be the duty of the board of supervisors to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of this charter.

Any ordinance which the supervisors are empowered to pass may be submitted to the electors by a majority of the board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the supervisors or

by the mayor, and when so proposed shall be submitted to the electors at the next succeeding general election. No ordinance passed by the supervisors granting any public utility franchise or privilege, shall go into effect until the expiration of sixty days from the date it becomes final. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the registrar a petition signed by registered voters equal in number to five percent of the entire vote cast for mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

If, before the time any other ordinance involving legislative matters becomes effective, there shall be filed with the board of supervisors a petition signed by qualified electors of the city and county equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance the same shall be suspended from going into operation, and it shall be the duty of the board of supervisors to reconsider such ordinance, and if the same be not entirely repealed, said board shall submit the ordinance to the vote of said electors either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless and until a majority of the qualified electors voting thereon shall vote in favor thereof. The provisions of sections 9.109 and 9.110 of the charter shall apply to and govern the verification and certification of such petition.

Annual budget and appropriation ordinances, supplemental appropriation ordinances, the annual salary ordinance, or ordinances amending the same, the ordinances levying taxes, any ordinance appropriating money from the emergency reserve fund, ordinances authorizing the city attorney to compromise litigation, and ordinances necessary to enable the mayor to carry out any of the powers vested in him in the case of a public emergency as defined in section 3.100 of the charter, ordinances enacted pursuant to section 8.410 of the charter, as well as ordinances relative to purely administrative matters, shall not be subject to referendum.

Any elective official, the chief administrative officer, the controller or any member of the board of education or public utilities commission may be recalled by the electors. The procedure to effect such recall shall be as follows: A petition demanding the recall from office of the person sought to be recalled shall be filed with the

9.108 – 9.110

registrar. Said petition shall contain a statement of the grounds on which the recall is sought. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. No recall petition shall be filed against any officer until he has held his office for at least six months.

9.109 Petitions

The filing, verification and certification of initiative, referendum and recall petitions shall be in accordance with general law, and rules and regulations of the registrar of voters relative to details not covered by general law, except as otherwise provided by this charter. Any signer to a petition may withdraw his name from the same by filing with the registrar of voters a verified revocation of his signature before the filing of the petition. No signature can be revoked after the petition has been filed. Unless and until it be proven otherwise by official investigation by the registrar, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and after an election based thereon, the sufficiency of such petition shall not be questioned.

If any signature be questioned, the registrar shall mail notice to such purported signer, stating that his or her name is attached to such petition and citing him or her to appear before said registrar forthwith, naming the time and place. Said citation shall enclose a blank affidavit, which may be used to deny that the affiant signed such petition. If such person does not desire to attend in person, he may swear to such affidavit of denial before any officer authorized to take oaths, and mail the same to the registrar. If he does not so attend and deny such signature in person or by making and mailing such affidavit of denial before the time when the registrar must, under general law, make final determination, the signature to such petition must be treated as genuine. The registrar shall keep a list of the names of all purported signers who appear before him and deny their signature under oath, and also file and keep such affidavits for at least one year.

9.110 Special Election Fund

The board of supervisors shall maintain a fund of not less than fifty thousand dollars to be known as the special election fund, to be used exclusively for defraying the costs of verifying petitions and other expenses of all special elections initiated by petitions of the electorate, including recall elections. In the event of the expenditure of any of said fund, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to reimburse said special election fund.

9.111 – 9.112

9.111 Time of Election

If the petition accompanying a proposed initiative measure, declaration of policy, or recall be signed by registered voters equal in number to ten percent of the entire vote cast for mayor at the last preceding general municipal election and contains a request that said measure, policy or recall be submitted forthwith to a vote of the electorate at a special election, then the registrar shall forthwith call a special election, which shall be held at a date not less than thirty nor more than forty days from the date of calling the same, at which said measure or policy, without alteration, or said recall shall be submitted to a vote of the electorate, unless within sixty days of a general or primary election, in which event it shall be submitted at such general or primary election.

If the petition accompanying a proposed initiative measure or declaration of policy be signed by registered voters equal in number to five percent but less than ten percent of the said entire vote, then such measure or measures, without alteration, shall be submitted by the registrar to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the certificate of sufficiency attached to the petition accompanying such measure unless the board of supervisors, by ordinance, direct that the measure or policy be voted on at a special election prior thereto.

9.112 Material on Measures Mailed to Voters

Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the registrar shall cause the measure or policy to be printed on sheets measuring approximately six by nine inches, and shall mail the same with a sample ballot to each voter, at least five days prior to the election. This printed copy may be attached to any other matter required to be printed and mailed.

With or upon the sample ballot mailed to each voter prior to a recall election, there shall be transmitted the reasons for demanding the recall of the officer as set forth in the recall petition, printed in not more than three hundred words, and with or upon the same ballot the printed statement of the officer in not more than three hundred words justifying his course in office.

If the proposition be submitted to the registered voters upon an initiative, referendum or recall petition, the persons filing said petition shall have the right, upon deposit of an amount sufficient to defray the cost of printing as estimated by the registrar, to present to the registrar at any time not later than thirty-five days prior to said

election, written arguments favoring their petition, and the registrar shall not accept arguments favoring said petition without the approval of those filing said petition; provided that as to any proposition to be submitted to the voters at a special election in accordance with section 9.111 hereof, to be held within thirty-five days of the date of calling such election, such arguments may be presented to the registrar at any time twenty-five days prior to said election. If said proposition be submitted by the mayor or by the board of supervisors, or by one-third of the board of supervisors, they shall have a similar right, but without the making of such deposit, to present arguments. Should the mayor or four or more members of the board of supervisors desire to submit to the voters a negative argument concerning any proposition submitted by the mayor, the board of supervisors, or one-third of the board of supervisors, they shall have a similar right, but without the making of such deposit, to present such an argument. The board of supervisors may also in its discretion, by motion, grant to any proponents of propositions submitted by the board a similar right, which may be exercised, subject to the approval of such arguments by motion of the board and upon the making of such deposit. Any persons, committee or organization opposing the measure, policy, charter amendment, or recall placed before the voters may present, upon making a deposit as aforementioned, and in like manner and within the same time, written arguments opposing said proposition.

Said arguments shall not contain more than 1800 words, nor exceed four pages in length when printed. They shall be signed by the persons or the presiding or executive officials of the committee or organization presenting them. The registrar shall cause said arguments to be printed in a pamphlet approximately six by nine inches in size in one color of ink and in uniform style. They shall be arranged in numerical or alphabetical order according to the number or letter of the proposition to which they refer, and the affirmative in each case shall precede the negative. The registrar shall charge a uniform fee per page sufficient to cover the cost of printing said pamphlet, returning to depositors any excess of deposits. He shall mail one copy with the sample ballot to each voter.

Immediately after introduction in the board of supervisors, or filing with the clerk thereof, of any measure to be submitted to the voters, or of the filing of a petition of the voters for submission of any proposed amendment of the charter, in accordance with the provisions of Article XI, Section 3, of the Constitution of California, the clerk of the board shall deliver a copy of such proposition to the controller. The controller shall thereupon determine whether, in his opinion, such proposition, if adopted, will increase the cost of

9.112 – 9.114

government of the city and county or in any way affect its tax rate. The controller shall make a written statement thereon to the board of supervisors, analyzing such proposition as to its cost and effect upon the tax rate. Such statement shall be in form appropriate for mailing to the voters with a sample ballot. Upon vote of submission of any such proposition, which, in the opinion of the controller, will in any way affect the cost of government or the tax rate and as to all propositions to create a bonded debt, the controller shall transmit a copy of such statement in relation thereto to the registrar of voters, who shall mail one copy thereof to each voter with the sample ballot. In the pamphlet of arguments, the position of the statement of the controller shall in each instance be next in order after the negative argument.

9.113 Form of Ballot – Majority Vote

The ballots used when voting upon any proposed measure, referendum, policy, recall or confirmation shall contain a general statement thereof, followed by the words “Yes” and “No,” so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure, referendum, policy, recall or confirmation shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count. The general statement or question provided for in this section shall be prepared by the city attorney and shall consist of not over thirty words.

If the official proposed to be removed at any recall election shall, as the result of said election, be recalled, the mayor shall appoint his successor for the unexpired term and the officer so recalled shall be ineligible to hold any city and county office for two years; should said officer be retained in his office, he shall be reimbursed out of the special election fund for his expenses in such recall election; provided that such payment shall not exceed the amount he is permitted to spend under the Purity of Elections Act now in force.

9.114 Competing and Conflicting Measures – Repeal

When two or more proposed measures are of the same general purpose, the registrar shall so declare, and shall cause ballots to be so printed that the voter, first, may choose between any measure or none, and, secondly, may express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law and the other fail of passage. In case two or more measures are tied for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures

**CUMULATIVE DIGEST
OF
CALIFORNIA SUPREME
AND
APPELLATE COURT
DECISIONS**

CUMULATIVE DIGEST

(1.101)* § 2. Powers of the City and County.

Under the provision that “The city and county may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, . . . ” initiative legislation which may be adopted by a chartered city is limited to “municipal affairs.” The latter term, as used in the California Constitution, refers “to the internal business affairs of a municipality.” *Farley v. Healey* (1967) (dissent) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 61 Cal. Rptr. 20.

(9.100)* § 5. Elective Officers in Terms.

The provision in this section requiring automatic forfeiture of the position of any appointive city and county employee who becomes a candidate for election to any public office is unconstitutional in its entirety for overbreadth, which cannot be eliminated by the severance of any language, since the provision relates alike to all public offices, whether they be partisan or nonpartisan in character and whether they be San Francisco offices or national or state offices, and there is shown no compelling need to restrict the fundamental right involved on such a sweeping scale. *Kinnear v. San Francisco* (1964) 61 Cal. (2d) 341, 392 Pac. (2d) 391, 38 Cal. Rptr. 631. See corrective measure—Provision amended and renumbered.

(8.100)* § 7. Qualifications of Officers and Employees.

Cited in *Hallinan v. Mellon* (1963) 218 Cal. App. (2d) 342, 32 Cal. Rptr. 446.

(3.500)* § 19. Powers and Duties of Boards and Commissions.

When the approval of two-thirds of the Board of Supervisors is required on any provision, two-thirds of all the members of the Board, whether absent or present at the particular meeting, must approve the measure. *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 33 Cal. Rptr. 216.

(3.501)* § 20. Powers and Duties of Department Heads.

Cited in *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

*The number in parentheses preceding the old section number is in accord with the 1971 recodification of the Charter.

§ 22 – § 35.5

(3.101)* § 22. Non-interference in Administrative Affairs.

This section prohibits direct dealing by the mayor with individual policemen, thus the mayor cannot be personally liable for the negligent acts or omissions of individual policemen. *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

(3.537)* § 24. Permits and Inspections.

Under §§ 24 and 35.6 and the implementing municipal ordinances, the power with respect to the issuance, refusal and revocation of permits for businesses such as that of a pawnbroker is initially vested in the chief of police. These provisions set an overall standard governing and guiding the chief of police and prescribing that the exercise of his permit power must not be arbitrary but rather directed to the promotion of the public interest, and in the regulation of the business of a pawnbroker, specific standards are not necessary. *Iscoff v. Police Commission* (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

Cited in *San Francisco v. Superior Court* (1959) 53 Cal. (2d) 236, 347 Pac. (2d) 294, 1 Cal. Rptr. 158.

(3.530)* § 35. Police Department.

Although the police commission and the chief of police are components of the police department, they are not in themselves identical. *Iscoff v. Police Commission* (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

Cited in *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

(3.532)* § 35.1. Police Department.

Cited in *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

(3.534)* § 35.3. Police Department.

See *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566 citing section 35.1.

(3.531)* § 35.5. Departments Under Mayor--Police Department.

Cited in *Hegarty v. Sohr* (1961) 190 Cal. App. (2d) 509, 12 Cal. Rptr. 210.

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§ 35.5.1 – § 39

(8.405)* § 35.5.1. Departments Under Mayor—Police Department.

Longevity pay rates of Los Angeles which were not automatic but were contingent upon certification that one's standard of service was satisfactory and were declared to be a privilege earned by merit and not a right were not a "basic amount of wages" as the term is used in the governing definition of "rates of compensation" expressed in this section. *Hegarty v. Sohr* (1961) 190 Cal. App. (2d) 509, 12 Cal. Rptr. 210.

(3.537)* § 35.6. Police Department.

Under §§ 24 and 35.6 and the implementing municipal ordinances, the power with respect to the issuance, refusal and revocation of permits for businesses such as that of a pawnbroker is initially vested in the chief of police. These provisions set an overall standard governing and guiding the chief of police and prescribing that the exercise of his permit power must not be arbitrary but rather directed to the promotion of the public interest, and in the regulation of the business of a pawnbroker, specific standards are not necessary. *Iscoff v. Police Commission* (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

(8.405)* § 36.2 Departments Under Mayor—Fire Department.

Longevity pay rates of Los Angeles which were not automatic but were contingent upon certification that one's standard of service was satisfactory and were declared to be a privilege earned by merit and not a right were not a "basic amount of wages" as the term is used in the governing definition of "rates of compensation" expressed in this section. *Hegarty v. Sohr* (1961) 190 Cal. App. (2d) 509, 12 Cal. Rptr. 210.

(3.651)* § 39. Board of Permit Appeals.

Failure to invoke and exhaust the administrative remedy of appeal under this section and § 24 to the Board of Permit Appeals constitutes a bar to judicial relief. *Lynn v. Duckel* (1956) 46 Cal. (2d) 845, 299 Pac. (2d) 236.

By ignoring the permit procedure established by this section and § 24 and building a roadway without permit, then suing the Director of Public Works for mandatory injunction for removal of city's obstruction to the roadway, a property owner attempts to nullify the

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procedure established by law, to the injury of the public, and does not come into court with "clean hands." *Lynn v. Duckel* (1956) 46 Cal. (2d) 845, 299 Pac. (2d) 236.

The Board of Permit Appeals is empowered to exercise full discretion in passing upon matters submitted to it; it is free to draw its own conclusions from the conflicting evidence before it and affirm or overrule the issuance of permits. *San Francisco v. Superior Court* (1959) 53 Cal. (2d) 236, 347 Pac. (2d) 294, 1 Cal. Rptr. 158.

Action of the Board of Permit Appeals involving issuance of a permit for an apartment building was not unconstitutional because unguided by adequate standards; the Charter and ordinances of the city fully prescribe the conditions which must be met by those who would construct apartment dwellings and specify the procedures to be followed by those who would secure permits. These conditions and procedures are the standards which must govern the appropriate administrative agencies. *San Francisco v. Superior Court* (1959) 53 Cal. (2d) 236, 347 Pac. (2d) 294, 1 Cal. Rptr. 158.

Where the Board of Permit Appeals, in considering an application for an apartment building, held a full hearing, viewed the site, and made its independent order, such order raised the presumption that the existence of the necessary facts, based on the standards as prescribed by the Charter and applicable ordinances, interpreted and administered to promote public health, safety, comfort, convenience, and general welfare, had been ascertained and found. Its action could not be successfully attacked on the ground that such standards were lacking. *San Francisco v. Superior Court* (1959) 53 Cal. (2d) 236, 347 Pac. (2d) 294, 1 Cal. Rptr. 158.

Where the Board of Permit Appeals, acting under this section, held full hearings and received expert testimony, a presumption arose that the existence of facts necessary to support its conclusions had been ascertained and found. The Board did not act beyond its jurisdiction or abuse its discretion in ruling upon a decision of the Central Permit Bureau. *Board of Permit Appeals v. Central Permit Bureau* (1960) 186 Cal. App. (2d) 633, 9 Cal. Rptr. 83.

It is well settled that the San Francisco Board of Permit Appeals is an administrative tribunal invested by the city's charter and implementing municipal ordinances with the power to hear and determine the entire controversy before it as to whether or not a permit should be issued, to draw its own conclusions from the conflicting evidence before it, and in the exercise of its own independent judgment to affirm or overrule the action of the official exercising permit power

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at the primary level. *Iscoff v. Police Commission* (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

In reviewing a pawnbroker's application to transfer his permit to a new location, the board of permit appeals is entitled to consider the effect of the proposed business on the surrounding property and its inhabitants. *Iscoff v. Police Commission* (1963) 222 Cal. App. (2d) 395, 35 Cal. Rptr. 189.

This section has no bearing on the matter of the board's role and power in granting or denying zoning variances. *Cow Hollow Improvement Club v. Board of Permit Appeals* (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

Neither the Charter, nor the Municipal Code provides for findings of fact or law by the Central Permit Bureau. *Russian Hill Improvement Association v. Board of Permit Appeals* (1967) 66 Cal. (2d) 34, 423 Pac. (2d) 824, 56 Cal. Rptr. 672.

Even after a permit has been lawfully issued by the Central Permit Bureau, the Board of Permit Appeals retains discretionary power to order that the permit be denied, because of a pending change in the law. *Russian Hill Improvement Association v. Board of Permit Appeals* (1967) 66 Cal. (2d) 34, 423 Pac. (2d) 824, 56 Cal. Rptr. 672.

This section and related provisions of the Municipal Code do not use the words "issue" and "grant" interchangeably; "issuance" describes the initial departmental action which is reviewed by the Board of Permit Appeals, and "granting" refers to the final disposition of the matter pursuant to the Board's orders. *Russian Hill Improvement Association v. Board of Permit Appeals* (1967) 66 Cal. (2d) 34, 423 Pac. (2d) 824, 56 Cal. Rptr. 672.

See also *Chas. L. Harney, Inc. v. Board of Permit Appeals* (1961) 1965 Cal. App. (2d) 442, 15 Cal. Rptr. 870.

Cited in *Broadway etc. Association v. Board of Permit Appeals* (1966) 246 ACA 29, 54 Cal. Rptr. 562.

(3.601)* § 46. Art Commission—Powers and Duties.

Where an art project was a cooperative project of the city and a federal agency, the art commission's resolution accepting the art work on dissolution of the federal project was a mere formality rather than a purposeful and unlawful exercise of dominion over privately-owned items mistakenly included in the transaction, and their receipt by the city did not constitute conversion so as to start

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§ 46 – § 72

the running of the statute of limitations at that time; nor did the resolution constitute notice to the owner of conversion where there was no evidence that the owner knew of the resolution. **Buffano v. City and County of San Francisco** (1965) 233 Cal. App. (2d) 61, 43 Cal. Rptr. 223.

(3.622)* § 50. California Palace of the Legion of Honor.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2) 1, 309 Pac. (2d) 481.

(3.632)* § 51. M. H. de Young Memorial Museum.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

(3.640)* § 52. California Academy of Sciences.

The obvious cultural and administrative requirements of the position of museum director provide legitimate basis for employment classification for the purpose of an ordinance excluding a director from the retirement system upon reappointment after resignation. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

(3.301)* § 64. General Powers and Duties of Controller.

This section was not violated by the city in its agreements in connection with establishing an off-street parking facility. **Larsen v. City and County of San Francisco** (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

(6.205)* § 72. Adoption of the Budget and the Appropriation Ordinance.

This section was not violated by the city in its agreements in

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§ 72 – § 86

connection with establishing an off-street parking facility. *Larsen v. City and County of San Francisco* (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

(6.311)* § 82. Receipt, Custody and Deposit of Funds, Investment of Trust Funds.

This section was not violated by the city in its agreement in connection with establishing an off-street parking facility. *Larsen v. City and County of San Francisco* (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

(6.303)* § 85. Expenditures and Payment of Claims.

Cited in *Flora Crane Service, Inc. v. Ross* (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

(6.302)* § 86. Limitation on Incurrence of Liability.

The second paragraph of this section imposes a correlative duty to that set out therein on the controller, by virtue of his office, to determine whether the necessary funds are available to carry out the proposed expenditure and, if so, to make the appropriate certification. *Flora Crane Service, Inc. v. Ross* (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

Under this section the controller cannot make certification until the precise amount of the city's proposed contract is established, but thereafter he has a clear ministerial duty to determine whether the necessary funds are available, and, if they are, to so certify. *Flora Crane Service, Inc. v. Ross* (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

Under this section the controller has an affirmative duty to make certification after the city's contract is established without a specific request by the contract's obligee. *Flora Crane Service, Inc. v. Ross* (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

To compel certification by the controller of an appropriation for a contract after it has been performed does not defeat or impair the requirement of this section that the certification be before the obligation is incurred or authorized so as to open the door to fraudulent imposition of contractual liabilities on the city, where there is a valid appropriation for the expenditure and unencumbered funds are available to pay it. *Flora Crane Service, Inc. v. Ross* (1964) 61 Cal. (2d) 199, 390 Pac. (2d) 193, 37 Cal. Rptr. 425.

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§ 87 – § 117.3

(7.703)* § 87. Limitation on Claims and Damages.

In a personal injury action, the city was not estopped from asserting the defense of noncompliance with this section where there was no finding that the oral notice given to a city employee contained the necessary information for the city to investigate the matter and where the record implied a lack of reliance by the injured plaintiff on the city employee's statement that a delayed filing of a claim would be "all right." *Howard v. San Francisco* (1962) 205 Cal. App. (2d) 602, 23 Cal. Rptr. 183.

(7.402)* § 93. Lease of City Property.

Cited in *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(7.601)* § 108. Repair of Accepted Streets.

Sections 202(c), 203(a), and 205(c) of the Standard Specifications of the Bureau of Engineering, Department of Public Works, should not be read in conjunction with this section; there is no retroactive mandatory duty on the part of the City and County to have curbs throughout the City six inches in height. *Curreri v. City and County of San Francisco* (1968) 262 ACA 657, 69 Cal. Rptr. 20.

Failure to provide curbs on Greenwich Street six inches in height cannot be interpreted as negligence as a matter of law. *Curreri v. City and County of San Francisco* (1968) 261 ACA 657, 69 Cal. Rptr. 20.

(7.503)* § 117.3. Variances.

The initial determination as to whether a zoning variance should be granted or denied is vested in the zoning administrator, who is empowered to grant a variance only on finding that the conditions of this section and § 302(d) of the City Planning Code are satisfied. *Cow Hollow Improvement Club v. Board of Permit Appeals* (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

A determination by the zoning administrator that the conditions for granting a zoning variance are satisfied is not final where an appeal is taken to the board of permit appeals. *Cow Hollow Improvement Club v. Board of Permit Appeals* (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

Upon the taking of an appeal from the zoning administrator to the board of permit appeals, the board is not bound by the administra-

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§ 117.3 – § 122

tor's findings or his decision; hence the board is invested with complete power to hear and determine the entire controversy before it and to draw its own conclusions from conflicting evidence before it and, in the exercise of its independent judgment, to affirm, modify, or overrule the administrator's action. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

The board's role and power in granting or denying zoning variances are governed exclusively by this section and by Section 303 of the City Planning Code. **Cow Hollow Improvement Club v. Board of Permit Appeals** (1966) 245 Cal. App. (2d) 160, 53 Cal. Rptr. 610.

Cited in **Russian Hill Improvement Association v. Board of Permit Appeals** (1967) 66 Cal. (2d) 34, 423 Pac. (2d) 824, 56 Cal. Rptr. 672.

(3.599)* § 119. Public Utility Policy.

Cited in **Market Street Railway Company v. California State Board of Equalization** (1956) 137 Cal. App. (2d) 87, 290 Pac. (2d) 20.

(no sec.)* § 119.1. Extension of Municipal Railway by Unification with Market Street Railway.

Cited in **Market Street Railway Company v. California State Board of Equalization** (1956) 137 Cal. App. (2d) 87, 290 Pac. (2d) 20.

(3.590)* § 120. Public Utilities Commission.

A reading of this section in conjunction with §§ 121, 122 and 125 shows that the charter intended to designate and establish the airport as a public utility. **San Francisco v. Western Air Lines, Inc.** (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(3.591)* § 121. Public Utilities Commission—General Powers and Duties of Commission.

A reading of this section in conjunction with §§ 120, 122 and 125 shows that the charter intended to designate and establish the airport as a public utility. **San Francisco v. Western Air Lines, Inc.** (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(3.592)* § 122. Public Utilities Commission—Utility Departments and Bureaus.

A reading of this section in conjunction with §§ 120, 121 and 125

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§ 122 – § 141

shows that the charter intended to designate and establish the airport as a public utility. *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(7.404)* § 123. Referendum on Any Lease or Sale of Public Property.

An off-street parking facility is not a public utility within the meaning of this section. *Larsen v. City and County of San Francisco* (1957) 152 Cal. App. (2d) 355, 313 Pac. (2d) 959.

Cited in *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(no sec.)* § 125. Public Utilities Commission—Employments.

A reading of this section in conjunction with §§ 120, 121 and 122 shows that the charter intended to designate and establish the airport as a public utility. *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(3.598)* § 130. Public Utilities Commission—Rates.

This section is permissive in character. It does not demand that all users of facilities be charged equal rates, nor does it proscribe unequal rates or even give definition to the terms employed. *San Francisco v. Western Air Lines, Inc.* (1962) 204 Cal. App. (2d) 105, 22 Cal. Rptr. 216.

(3.660)* § 140. Civil Service Commission.

Cited in *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

(3.661)* § 141. Powers and Duties.

The rules of the Civil Service Commission made under the powers given in this section have the force and effect of law so long as they are reasonable and within the fundamental provisions of the Charter. *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

The provision that “the allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position” includes the right of an incumbent to retain the same schedule of compensation following reclassification of his position that he had before; and where the commission

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§ 141 – § 145.1

and the board of supervisors reclassified the position of probation officer and created two new positions, the rights of incumbents not qualified for the higher of the two new positions were not impaired where they were retained in their old position and at their old rate of pay. *Forstner v. City and County of San Francisco* (1966) 239 Cal. App. (2d) 516, 48 Cal. Rptr. 805.

There is no conflict between the provision that “the allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position” and the provision of Section 151 that “like compensation shall be paid for like service, based upon the classification as provided in section 141”; the latter provision is applied except where compliance therewith would adversely affect the salary and other civil service rights of incumbents regularly employed by the city. *Forstner v. City and County of San Francisco* (1966) 239 Cal. App. (2d) 516, 48 Cal. Rptr. 805.

Cited in *Matthews v. Civil Service Commission* (1958) 158 Cal. App. (2d) 169, 322 Pac. (2d) 234.

Cited in *McGill v. San Francisco* (1964) 231 Cal. App. (2d) 35, 41 Cal. Rptr. 568.

(8.320, 8.321)* § 145. Qualifications and Tests.

Cited in *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

Cited in *Puckett v. San Francisco* (1962) 208 Cal. App. (2d) 471, 25 Cal. Rptr. 276.

(8.331)* § 145.1 Limited Tenure Appointments.

The provision in this section that dismissal of limited tenure employees shall be “with the approval of the Civil Service Commission” is plain in its terms and means that an appointing officer may not terminate the employment of a limited tenure employee without the approval of the Commission; it cannot be read to mean “without the approval of the Civil Service Commission if a court finds that the appointing officer had good cause.” *McGill v. San Francisco* (1964) 231 Cal. App. (2d) 35, 41 Cal. Rptr. 568.

This section, which requires approval of an act by an officer, presumptively includes the right to disapprove. *McGill v. San Francisco* (1964) 231 Cal. App. (2d) 35, 41, Cal. Rptr. 568.

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§ 146 — § 151

(8.326)* § 146. Promotions.

This section does not place a limit on the kind of question or problem that can be propounded. It must pertain to matters concerning the duties of the department for which the examination is held. *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

Under the requirements of this section as to the subject matter of tests, the Civil Service Commission did not abuse its discretion in requiring the applicant to prepare a radio script where the subject matter of the script pertained to the duties of the position to be filled. *Murphy v. Walsh* (1958) 158 Cal. App. (2d) 675, 323 Pac. (2d) 206.

(8.329, 8.340)* § 148. Civil Service—Requisition, Certification and Appointment.

When substantial evidence of the unfitness of a probationary policeman, concerning his conduct prior to appointment, becomes known to the police chief and this evidence was not made available to or considered by the civil service commission at the time it placed the candidate on the eligible list, the police chief has the discretion to act on such evidence by terminating the appointment. *Puckett v. San Francisco* (1962) 208 Cal. App. (2d) 471, 25 Cal. Rptr. 276.

Cited in *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

(8.400)* § 151. Standardization of Compensation.

Where the civil service commission certified a contract rate in March, 1955, as required under § 151.3, and in June discovered a change in conditions placing the employees under § 151, rather than in § 151.3, it was too late to proceed under § 151 for that year because of the provision that the Board of Supervisors must adopt salary schedules not later than April 1. *Miller v. San Francisco* (1959) 174 Cal. App. (2d) 109, 344 Pac. (2d) 102.

The provision that "like compensation shall be paid for like service, based upon the classification as provided in section 141 of the charter," is not in conflict with the provision of section 141 that "the allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position." The latter provision is applied in all cases except where compliance therewith would adversely affect the salary and other

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§ 151 – § 151.3

civil service rights of incumbents regularly employed by the city. *Forstner v. City and County of San Francisco* (1966) 239 Cal. App. (2d) 516, 48 Cal. Rptr. 805.

(8.403)* § 151.3. Standardization of Compensation.

The purpose of this section is to provide a standard for determining pay rates that will insure city civil service employees a wage scale commensurate with wages received by workers in the same field in private industry. *Thomlinson v. San Francisco* (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

The provision in this section calling for review of collective bargaining agreements in private industry as of July 1 and for the certification on or before the second Monday of July of any modification of rates established thereunder is to insure that rates of pay for city and county employees established by such private industry agreements for the new fiscal year shall be those actually prevailing on July 1. *Thomlinson v. San Francisco* (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Though the provision of San Francisco Charter, § 151.3, making the wage rates of groups or crafts in private employment the standard for setting wage rates for groups or crafts employed by the city, protects civil service employees covered by it as to modifications of rates of pay in private industry between April 1 and July 1 of any year, the basic purpose of the section predominates, that is, that the employee shall be entitled to the rate of pay generally prevailing in private employment in San Francisco on July 1, whether that be more or less than that prevailing on or prior to April 1. *Thomlinson v. San Francisco* (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Under this section the civil service commission is required to certify the rate of pay generally prevailing in private employment in San Francisco to establish the wage scale for city and county employees and has the implied power to correct any error in certifying inapplicable rates. *Thomlinson v. San Francisco* (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

This section must be applied in a manner which is consonant with its objective and also fair and just, not only to the employees involved, but also to the general public. *Thomlinson v. San Francisco* (1964) 227 Cal. App. (2d) 619, 38 Cal. Rptr. 863.

Cited in *Estes v. City of Richmond* (1967) 249 Cal. App. (2d) 538, 57 Cal. Rptr. 536.

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§ 151.3 – § 154

(8.440)* § 151.5. Vacations for Per Diem Workers.

This section by its express terms provides that it shall have some retroactive application, and hence vacation pay is properly granted to city employees who left the city service shortly prior to passage of this section. *Boyer v. County of Contra Costa* (1965) 235 Cal. App. (2d) 111, 45 Cal. Rptr. 58.

(8.341)* § 154. Suspension and Dismissal for Cause.

The first sentence of this section, providing that a civil service employee shall not be removed or discharged “except for cause,” is interpreted to mean that any reasonable, sufficient cause may be grounds for dismissal by the appointing officer. *Whoriskey v. San Francisco* (1963) 213 Cal. App. (2d) 400, 28 Cal. Rptr. 833.

The general power of the appointing officer to discharge is not limited by the specified grounds that apply when charges are filed by one other than the appointing officer. The appointing officer has a wide discretion in determining the fitness of an employee to continue performing the duties required by his employment. *Whoriskey v. San Francisco* (1963) 213 Cal. App. (2d) 400, 28 Cal. Rptr. 833.

The term “for cause” implies the existence of some fact that would constitute reasonable cause of removal; and in deciding whether the removal of a permanent employee was reasonable, the appellate court looks to the findings of the civil service commission rather than to the findings of the superior court that acted as the reviewing tribunal. *Forstner v. City and County of San Francisco* (1966) 243 Cal. App. (2d) 625, 52 Cal. Rptr. 621.

Insubordination by a civil service employee can be rightfully predicated only on a refusal to obey an order that a superior officer is entitled to give and to have obeyed, and the order must reasonably be related to the employee’s duties. *Forstner v. City and County of San Francisco* (1966) 243 Cal. App. (2d) 625, 52 Cal. Rptr. 621.

(8.343)* § 155. Fire and Police Disciplinary Procedure.

Former section cited: power of removal or suspension in police commission only. *Martinez v. Cahill* (1963) 215 Cal. App. (2d) 823, 30 Cal. Rptr. 566.

This section clearly provides authority in the fire chief to suspend without a prior hearing and affords ample protection of all the

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members' constitutional rights. *Apostoli v. City and County of San Francisco* (1969) 268 ACA 786.

The statutory power of the fire chief to suspend without a prior hearing is not without restraint; the suspended member has the right to appeal to the Fire Commission, and this appeal contemplates a full hearing with the right of a member to appear with counsel, to have a public trial, and to secure the attendance of witnesses for his defense. *Apostoli v. City and County of San Francisco* (1969) 268 ACA 786.

Where a fire department member suspended, by the fire chief appeals to the Fire Commission, the commission has the power to reverse or alter the finding of the chief, and in case of reversal may in its discretion order that the member affected be paid salary for the period of suspension. *Apostoli v. City and County of San Francisco* (1969) 268 ACA 786.

The formalities of this section and of Section 4403 of the Rules and Regulations of the Fire Department, relating to suspension by the fire chief without a hearing, are complied with by the delivery to the member of a copy of the City's investigating report on which the suspension was based. *Apostoli v. City and County of San Francisco* (1969) 268 ACA 786.

(8.501)* § 158.1. Retirement of Elective Officers.

Cited in *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

(8.502)* § 158.2. Retirement of Elective Officers (continued).

Cited in *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

(8.503)* § 158.3. Retirement—Court Employees and Attaches.

Cited in *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

(no sec.)* § 162. Definition, Members of Fire and Police Departments.

This section was intended to exclude from § 169 pension coverage all marine engineers who were not required to meet the 35-year age limitation prescribed for regular members of the fire department. *Carrick v. San Francisco* (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

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(8.507)* § 165. Miscellaneous Officers and Employees.

Since this section and § 165.2 both require employees to be members of the retirement system and there is no provision in either section permitting over-age persons to become members, such persons are not eligible for city employment under charter provisions alone. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

The power conferred upon the board of supervisors by par. "a" of this section to include certain offices, departments, etc., within the retirement system includes, by implication, the power of exclusion. Exclusion of employees may be by classification. Where such employees have resigned from their positions, the section permits their reemployment. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

The provision of par. "a" of this section making retirement compulsory at age 70 is qualified by the discretion vested in the board of supervisors. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

This section was not expressly or impliedly repealed by § 165.2; nor is there express repeal of par. "a" of this section by § 165.2, or necessary incompatibility with it. The fact that § 165.2 sets up a different retirement system, with a different age as compulsory retirement should not be considered as an implied repeal of par. "a" of this section. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

The definition of employees in § 165.2 was intended to be the same as the term is defined in this section and § 165.2 was intended to be subject to par. "a" of this section insofar as the power of the board of supervisors to determine who shall be member of the retirement system is concerned. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

It is a possible and reasonable interpretation that § 165.2 affects all individuals who have not been made, constitutionally, a member of an exempt class under the power conferred by par. "a" of this section. **Acton, Heil, Brooks v. Henderson** (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

Cited in **Carrick v. San Francisco** (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

*The number in parentheses preceding the old section number is in accord with the 1971 recodification of the Charter.

§ 165.2

(8.509)* § 165.2. Retirement - Miscellaneous Officers and Employees On and After July 1, 1947.

Since this section and § 165 both require employees to be members of the retirement system and there is no provision in either section permitting over-age persons to become members, such persons are not eligible for city employment under charter provisions alone. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

Section 165 was not expressly or impliedly repealed by this section; nor is there express repeal of par. "a" of § 165 by this section, or necessary incompatibility with it. The fact that this section sets up a different retirement system, with a different age as to compulsory retirement should not be considered as an implied repeal of par. "a" of § 165. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

The definition of employees in this section was intended to be the same as the term is defined in § 165, and this section was intended to be subject to par. "a" of § 165 insofar as the power of the board of supervisors to determine who shall be members of the retirement system is concerned. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

It is a possible and reasonable interpretation that this section affects all individuals who have not been made, constitutionally, a member of an exempt class under the power conferred by par. "a" of § 165. *Acton, Heil, Brooks v. Henderson* (Three cases) (1957) 150 Cal. App. (2d) 1, 309 Pac. (2d) 481.

Subsection (B) cited in *Reinfeld v. San Francisco City and County Employees Retirement System* (1958) 158 Cal. App. (2d) 460, 322 Pac. (2d) 508.

Cited in *Carrick v. San Francisco* (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

Under subsection F of this section, a city employee's accumulated retirement fund contributions are refundable to him if he ceases for any reason to be an employee before his pension is due. Consequently, where a Municipal Railway employee was suspended from his employment, made a written demand for refund of his contributions, and then filed an appeal seeking reinstatement to his position, but neglected to revoke his demand for refund or to notify the retirement system of his appeal and of his change of position, his contributions were "owing and unpaid" to him within the meaning

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§ 165.2 - § 168.1.6

of the statute permitting garnishment of monies owed to a person by a municipality (CCP § 710) and were hence subject to garnishment. *McDaniel v. City and County of San Francisco* (1968) 259 ACA 376, 66 Cal. Rptr. 384.

(8.551)* § 168.1.6. Retirement Provisions—Police Department.

Under this section, credit against death allowances paid by the City and County is permissible only for payments on a workmen's compensation award made to the same person who receives the death allowances. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) (Rehearing granted) 267 ACA 721, 73 Cal. Rptr. 418.

The Charter must be liberally construed in order to carry out the beneficial purposes of its pension provisions. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) (Rehearing granted) 267 ACA 721, 73 Cal. Rptr. 418.

The purpose of Charter pension provisions is to provide a monthly living allowance to the widow of a police officer who dies in the line of duty; this section cannot be construed so as to deprive the widow of this living allowance until such time as the payments she would otherwise have received equal the amount of a workmen's compensation award paid to third persons. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) (Rehearing granted) 267 ACA 721, 73 Cal. Rptr. 418.

The retirement provisions of the Charter, including this section, constitute part of the contract of employment between the City and County and its policemen. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) 267 ACA 856, 73 Cal. Rptr. 429.

The retirement provisions of the Charter, including this section, are not only the organic law of San Francisco, but are also the law of the state, with the force of legislative enactments. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) 267 ACA 856, 73 Cal. Rptr. 429.

Under appropriate charter provisions, a municipality has broad power to prevent double disability payments to the same person; the order in which the respective payments, awards, or allowances are payable is immaterial. *City and County of San Francisco v. Workmen's Compensation Appeals Board* (1968) 267 ACA 856, 73 Cal. Rptr. 429.

Where a disability award and a city pension are payable con-
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§ 168.1.6 – § 168.3

currently, one may be offset or credited against the other to the end that total payments shall not exceed the stipulated monthly pension. **City and County of San Francisco v. Workmen's Compensation Appeals Board** (1968) 267 ACA 856, 73 Cal. Rptr. 429.

The Charter should be construed, if reasonably possible, to avoid double liability to the City and County for one disability injury to one employee. **City and County of San Francisco v. Workmen's Compensation Appeals Board** (1968) 267 ACA 856, 73 Cal. Rptr. 429.

The first sentence of this section is construed to provide for offsetting against a retired policeman's disability allowance, workmen's compensation payments previously made because of the injury that brought about his later retirement; and this section permits the Board of Supervisors to fix the manner in which the retirement allowance may be reduced. **City and County of San Francisco v. Workmen's Compensation Appeals Board** (1968) 267 ACA 856, 73 Cal. Rptr. 429.

Under the second sentence of this section, the City and County is entitled to credit a policeman's disability retirement allowance against a workmen's compensation award given for the same injury subsequent to retirement. **City and County of San Francisco v. Workmen's Compensation Appeals Board** (1968) 267 ACA 856, 73 Cal. Rptr. 429.

(8.561)* § 168.3. Pension Provisions—Dependents of Members of Fire and Police Departments Killed in Line of Duty.

On appeal from a judgment supporting the Retirement Board's determination that the widow of a member who had retired and was found to have a service-connected disability was entitled to a pension under section 168.1.5 rather than under this section, it was appellant's burden to show that the evidence and the reasonable inferences therefrom did not support the findings of the Board. On such appeal, respondent enjoys in its favor all inferences arising from conflicts in the evidence, even though an equally reasonable adverse inference is possible. Appellant, in other words, must not only show that a finding in her favor would have been supported, but must demonstrate that such finding is compelled as a matter of law. **Cooper v. Retirement Board of San Francisco** (1955) 131 Cal. App. (2d) 804, 281 Pac. (2d) 349.

In proceedings to compel payment of a widow's pension under this section, rather than under section 168.1.5, for death of a retired

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§ 168.3 – § 171.1

member the findings of the Retirement Board that the member did not die of injury received in, or illness caused by the performance of his duty and that the widow did not sustain her burden of proving that the member died as a result of injury received in, or illness caused by performance of his duty, were sustained by the evidence where the member, a policeman who suffered a service-connected heart condition had attempted, after his retirement, to make an arrest, whereupon he was assaulted, and the medical testimony showed at most that in the legal sense the cause of his death was the over-exertion or excitement caused by the altercation. *Cooper v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 804, 281 Pac. (2d) 349.

The purpose of this section was to enlarge the rights of widows of firemen killed in line of duty. *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

The phrase “in lieu of,” as used in this section means “instead of,” “in place of,” “in substitution for.” This section impliedly repeals section 169(b), therefore, and provides the sole method of compensation for widows of firemen who die from injuries received in line of duty. *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

Cited in *Carrick v. San Francisco* (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

(8.565)* § 169. Present Members of Fire Department.

Subdivision “b” of this section is impliedly repealed by section 168.3, and that section provides the sole method of compensation for widows of firemen who die from injuries received in line of duty. *Carey v. Retirement Board of San Francisco* (1955) 131 Cal. App. (2d) 739, 281 Pac. (2d) 25.

Even though marine engineers wear uniforms and serve on assigned watches, they are not entitled to pension coverage under § 169 unless they fulfill the definition of firemen as given in § 162. *Carrick v. San Francisco* (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

(8.568)* § 171.1 Health Service System.

Cited in *Martin v. San Francisco* (1959) 168 Cal. App. (2d) 570, 336 Pac. (2d) 239.

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§ 171.1.2 – § 179

(8.570)* § 171.1.2. Pension Provisions--Future Members of Fire Department.

Cited in *Carrick v. San Francisco* (1962) 202 Cal. App. (2d) 402, 20 Cal. Rptr. 878.

(9.102)* § 173. Registrar of Voters.

Under the provision that "The conduct, management and control of . . . the holding of elections in the city and county shall be vested exclusively" in the registrar of voters, and under the provision in Charter section 180 that "Unless and until it be proven otherwise by official investigation by the registrar, it shall be presumed that the petition filed conforms to all legal requirements and contains" sufficient qualified signatures, the acting registrar of voters did not exceed his authority by undertaking to determine whether a proposed initiative measure was within the power of the electorate to adopt. *Farley v. Healey* (1967) (dissent) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

(9.108)* § 179. Initiative, Referendum and Recall.

The power of initiative must be liberally construed to promote the democratic process. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

The power of initiative is not limited to submitting initiative measures to the electorate that concern only municipal affairs on which the Board of Supervisors could enact binding legislation. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

This section, which reserves to the people the power to initiate "any ordinance, act or other measure which is within the power conferred upon the board of supervisors to enact . . .", imposes no limits on the type of declarations of policy that may be submitted by initiative. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

The numerical requirement as to submitting initiative measures serves as a built-in safeguard against frivolous use of the initiative process. There is no other limitation in the Charter that prevents submission to a general vote of a measure declaring policy on a matter of national concern. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

Under the provision in section 2 of the Charter that "The city and

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§ 179 – § 180

county may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, . . .” initiative legislation which may be adopted by a chartered city is limited to “municipal affairs.” The latter term, as used in the California Constitution, refers to “the internal business affairs of a municipality.” *Farley v. Healey* (1967) (dissent) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

The use in this section of the phrase “declaration of policy” does not mean that the people intended to reserve to themselves a unique straw vote or poll-taking device. Even if this were the purpose of the framers of the Charter, it would be to no avail, because the limitations of the California Constitution, which is the measure of the initiative power, must control. *Farley v. Healey* (1967) (dissent) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

(9.109)* § 180. Petitions.

Under this section, the acting registrar of voters exceeded his authority by undertaking to determine whether a proposed initiative measure was within the power of the electorate to adopt. His duty is limited to the ministerial function of ascertaining whether the procedural requirements for submitting an initiative measure have been met. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

Given compliance with the formal requirements for submitting an initiative measure, the registrar of voters must place it on the ballot unless he is directed to do otherwise by a court on a compelling showing that a proper case has been established for interfering with the initiative process. *Farley v. Healey* (1967) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

Under the provision in Charter section 173 that “The conduct, management and control of . . . the holding of elections in the city and county shall be vested exclusively” in the registrar of voters, and under the provisions in this section that “Unless and until it be proven otherwise by official investigation by the registrar, it shall be presumed that the petition filed conforms to all legal requirements and contains” sufficient qualified signatures, the acting registrar of voters did not exceed his authority by undertaking to determine whether a proposed initiative measure was within the power of the electorate to adopt. *Farley v. Healey* (1967) (dissent) 67 Cal. (2d) 325, 431 Pac. (2d) 650, 62 Cal. Rptr. 26.

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INITIATIVE ORDINANCES REFUSE COLLECTION AND DISPOSAL ORDINANCE

Adopted November 8, 1932

Providing for the Collection and Disposition of Refuse in the City and County of San Francisco; Providing for the Licensing of Refuse Collectors by the Director of Public Health; Fixing the Maximum Rates or Charges for the Collection of Refuse by Licensed Refuse Collectors from Homes, Apartment Houses, Stores, etc.; Dividing City and County of San Francisco into Collection Routes; Providing Penalties for the Violation of the Provisions of this Ordinance.

*Be it Ordained by the People of the City and County
of San Francisco:*

SECTION 1. The term "refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cuttings from trees, lawns and gardens. Refuse as used herein does not include debris and waste construction materials, including wood, brick, plaster, glass, cement, wire, and other ferrous materials, derived from the construction of or the partial or total demolition of buildings or other structures.

SECTION 2. It shall be unlawful for any person, firm or corporation to dispose of refuse as defined in this ordinance except as herein provided, save that the provisions of this ordinance shall not include refuse which may be incinerated by an owner of a building for himself or for his tenants on the premises where produced; provided, however, that such incineration shall be subject to inspection and control by the Director of Public Health and the Fire Department. Failure of any householder producing refuse to subscribe to and pay for refuse collection, unless such householder is a tenant for whom refuse collection service is provided by his landlord, shall be prima facie evidence that such householder is disposing of refuse in violation of this ordinance.

SECTION 3. Refuse consisting of waste or discarded food, animal and vegetable matter, discarded containers of food, animal

APPENDIX A

and vegetable matter and ashes shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided. Waste paper and boxes and other refuse materials not subject to putrefaction or decay, and cuttings from trees, lawns and gardens may be placed in any suitable container and delivered by the producer or landlord, who by reason of contract or lease with the occupant is obligated to care for such refuse and deliver same to a refuse collector, to be disposed of as herein provided; provided, however, that it shall be optional with the producer or landlord to deliver waste paper or other refuse having a commercial value to a refuse collector, and the producer or landlord may dispose of the same in any manner he may see fit. Refuse which under the provisions hereof must be deposited in a metal can of suitable capacity shall be removed daily from the place where the same is created.

SECTION 4. It shall be unlawful for any person, firm or corporation, other than a refuse collector licensed by the Director of Public Health as in this ordinance provided, to transport through the streets of the City and County of San Francisco any refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper, or other refuse having a commercial value. It is provided, however, that a license for a refuse collector, as provided in Section 8 hereof, shall be distinguished from a permit to operate, in the City and County of San Francisco on a certain designated route, as hereinafter provided.

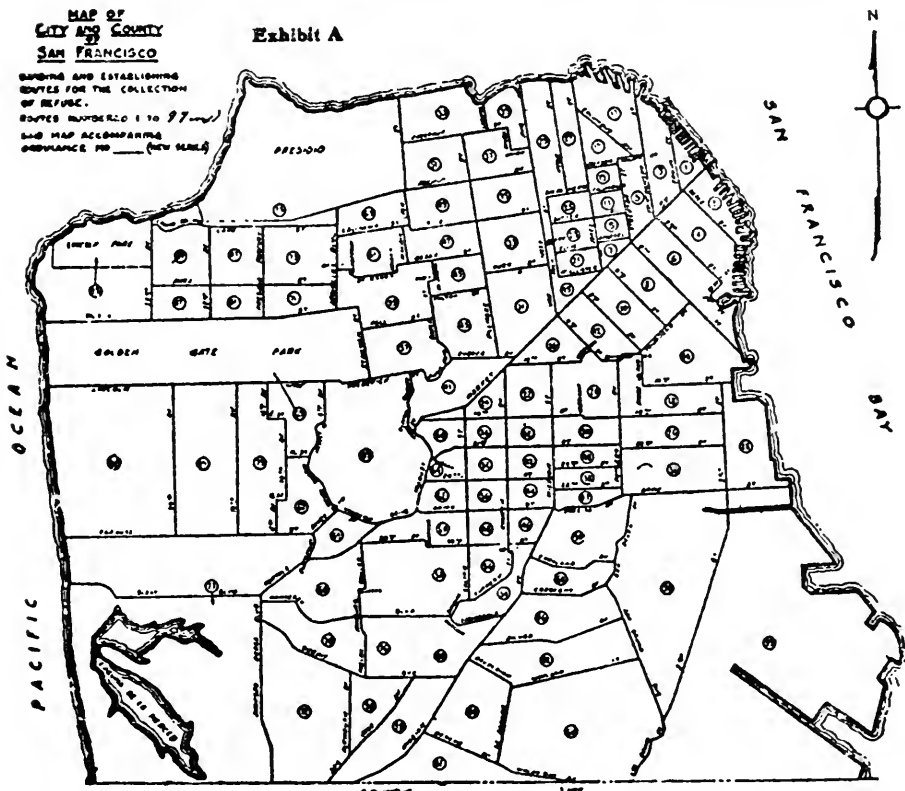
Upon the conviction of any person, firm or corporation for any violation of the provisions of this ordinance, the permit of such person, firm or corporation issued under the provisions of this ordinance, shall be forthwith and immediately terminated and canceled as of the date of conviction.

The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a number on said

APPENDIX A

map, said routes being numbered one to ninety-seven, inclusive, and said map and said routes are marked Exhibit A, and attached hereto and made a part of this ordinance.

Any person, firm or corporation desiring to transport through the streets of the City and County of San Francisco, any refuse as herein defined, or to collect or dispose of the same, shall make application to the Director of Public Health for permission so to do. Said application for such permit shall contain the name of the person, firm or corporation, any of the particular route or routes, designated in said map of routes, proposed to be served by said person, firm or corporation, and a statement that said person, firm or corporation will abide by all the provisions of this ordinance, and will not charge a greater rate for the collection and disposition of said refuse than that fixed in or pursuant to this ordinance.



MAP OF THE CITY AND COUNTY OF SAN FRANCISCO

APPENDIX A

The Director of Public Health shall grant a permit to such applicant unless the route proposed is already adequately served by a licensed refuse collector. An application for a permit must be granted, however, by the said Director of Public Health, and it is mandatory on said director to grant the same, when it shall appear in any said application for a route or routes by a person, firm or corporation, that twenty per cent or more of the householders, business men, apartment house owners, hotel keepers, institutions or residents in said route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition or contract in which they have stated that they are inadequately served by any refuse collector who is then collecting refuse on said route, provided that said director finds upon substantial evidence that such statement is correct. That inadequate service is hereby defined as the failure, on the part of any refuse collector to properly collect, handle or transport refuse on said route, or the overcharging for the collection of same, or insolence towards persons whose refuse has been collected, or the collection by any refuse collector whose license has been revoked as provided in Section 9 hereof. Such permit so granted by the Director of Public Health shall not be exclusive, however, and one or more persons, firms or corporations may be given a permit to collect on the same route.

Persons, firms or corporations desiring to transport through the streets of the City and County of San Francisco only waste paper or other refuse having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this ordinance.

SECTION 5. Refuse collected by refuse collectors shall be disposed of by such persons, firms or corporations and in such manner or by such method or methods as from time to time designated by the Board of Supervisors of the City and County of San Francisco.

Until and unless changed in the manner herein provided the maximum rate or charge for the disposal of refuse to be charged the refuse collector by any person, firm or corporation authorized by the Board of Supervisors to dispose of refuse shall be \$1.50 per ton. Such rate or charge may, from time to time, be adjusted in the same manner, and in accordance with the same procedures,

APPENDIX A

as is provided for the adjustment of rates and charges for the collection of refuse in Section 6(a) of this ordinance.

SECTION 6. (a) Until and unless changed in the manner hereinafter set forth, the maximum rates or charges for the collection and disposition of refuse as herein defined, by refuse collectors, from residences, flats and apartment houses of not more than 600 rooms, and the regulations relating to such rates or charges, shall be as follows :

Rate Schedules

Monthly rates from residences and flats for one container of not exceeding thirty-two gallons. Made from the ground floor:

<i>No. Rooms</i>	<i>Collections Per Week</i>			
	<i>1.</i>	<i>2.</i>	<i>3.</i>	<i>4.</i>
1 to 4.....	\$.80	\$1.20	\$1.35	\$1.50
5 .....	.85	1.25	1.40	1.55
6 .....	.85	1.25	1.40	1.55
7 .....	.95	1.35	1.50	1.70
8	1.00	1.50	1.70	1.80
9	1.00	1.50	1.70	1.80
10	1.00	1.50	1.70	1.80
11	1.00	1.50	1.70	1.80
12	1.00	1.50	1.70	1.80

Monthly rates from residences and flats for one container of not exceeding thirty-two gallons. Made from second floor, one stairway above ground floor or basement :

<i>No. Rooms</i>	<i>Collections Per Week</i>			
	<i>1.</i>	<i>2.</i>	<i>3.</i>	<i>4.</i>
1 to 4.....	\$.85	\$1.25	\$1.40	\$1.55
5 .....	.95	1.35	1.45	1.60
6 .....	.95	1.35	1.45	1.60
7	1.00	1.40	1.55	1.75
8	1.10	1.60	1.80	1.90
9	1.10	1.60	1.80	1.90
10	1.10	1.60	1.80	1.90
11	1.10	1.60	1.80	1.90
12	1.10	1.60	1.80	1.90

APPENDIX A

Monthly rates from residences and flats for one container of not exceeding thirty-two gallons. Made from third floor, two stairways above ground floor or basement :

<i>No. Rooms</i>	<i>Collections Per Week</i>			
	1.	2.	3.	4.
1 to 4.....	\$.90	\$1.30	\$1.45	\$1.60
5 .....	.95	1.35	1.50	1.65
6 .....	.95	1.35	1.50	1.65
7	1.10	1.55	1.70	1.80
8	1.15	1.70	1.90	2.00
9	1.25	1.75	1.95	2.10
10	1.25	1.75	1.95	2.10
11	1.25	1.75	1.95	2.10
12	1.25	1.75	1.95	2.10

Monthly rates from residences and flats for one container of not exceeding thirty-two gallons. Made from fourth floor, three stairways above ground floor or basement :

<i>No. Rooms</i>	<i>Collections Per Week</i>			
	1.	2.	3.	4.
1 to 4.....	\$1.00	\$1.40	\$1.55	\$1.70
5	1.10	1.50	1.65	1.80
6	1.10	1.50	1.65	1.80
7	1.20	1.60	1.75	1.90
8	1.20	1.70	1.90	2.05
9	1.25	1.75	1.95	2.10
10	1.25	2.00	2.20	2.40
11	1.25	2.00	2.20	2.40
12	1.25	2.00	2.20	2.40

Monthly rates from apartment houses :

<i>No. Rooms</i>	<i>Collections Per Week</i>				
	6.	4.	3.	2.	1.
10	\$ 3.00	\$ 2.40	\$2.20	\$1.90	\$1.80
20	5.70	4.90	4.40	3.90	3.70
30	7.90	6.40	5.90	5.20	.....
40	9.80	8.70	7.40	.....	.....
50	11.30	10.20	8.70	.....	.....
60	12.50	11.50	.....	.....	.....

APPENDIX A

<i>No. Rooms</i>	<i>Collections Per Week</i>				
	6.	4.	3.	2.	1.
70	\$13.80	\$12.90	\$.....	\$.....	\$.....
80	15.00	14.00	.....	.....	.....
90	16.30	15.20	.....	.....	.....
100	17.50	16.20	.....	.....	.....
110	19.00	.....	.....	.....	.....
120	20.40	.....	.....	.....	.....
130	21.80	.....	.....	.....	.....
140	23.20	.....	.....	.....	.....
150	24.50	.....	.....	.....	.....
160	25.90	.....	.....	.....	.....
170	27.30	.....	.....	.....	.....
180	28.70	.....	.....	.....	.....
190	30.00	.....	.....	.....	.....
200	31.40	.....	.....	.....	.....
210	32.50	.....	.....	.....	.....
220	33.80	.....	.....	.....	.....
230	35.00	.....	.....	.....	.....
240	36.30	.....	.....	.....	.....
250	37.50	.....	.....	.....	.....
260	38.80	.....	.....	.....	.....
270	40.00	.....	.....	.....	.....
280	41.30	.....	.....	.....	.....
290	43.80	.....	.....	.....	.....
300	45.00	.....	.....	.....	.....
310	46.30	.....	.....	.....	.....
320	47.50	.....	.....	.....	.....
330	48.80	.....	.....	.....	.....
340	50.00	.....	.....	.....	.....
350	51.30	.....	.....	.....	.....
360	52.50	.....	.....	.....	.....
370	53.80	.....	.....	.....	.....
380	56.30	.....	.....	.....	.....
390	57.50	.....	.....	.....	.....
400	58.80	.....	.....	.....	.....
410	59.00	.....	.....	.....	.....
420	60.40	.....	.....	.....	.....
430	61.80	.....	.....	.....	.....
440	63.20	.....	.....	.....	.....

APPENDIX A

No. Rooms	Collections Per Week				
	6.	4.	3.	2.	1.
450	\$64.50	\$	\$	\$	\$
460	65.90	.....	.....	.....	.....
470	67.30	.....	.....	.....	.....
480	68.70	.....	.....	.....	.....
490	70.00	.....	.....	.....	.....
500	71.40	.....	.....	.....	.....
510	72.80	.....	.....	.....	.....
520	74.20	.....	.....	.....	.....
530	75.50	.....	.....	.....	.....
540	76.90	.....	.....	.....	.....
550	78.30	.....	.....	.....	.....
560	79.70	.....	.....	.....	.....
570	82.30	.....	.....	.....	.....
580	82.40	.....	.....	.....	.....
590	83.80	.....	.....	.....	.....
600	85.00	.....	.....	.....	.....

Rate Regulations

Rates for residences and flats shall be increased for more than one container of a maximum of thirty-two gallons by 10 cents per additional container per collection.

Any charge made by a refuse collector for removal of waste material not required to be placed in metal cans and which is delivered to him in other suitable containers as provided by section 3 hereof shall not exceed the rates fixed herein for collection and disposal of equivalent volumes of refuse in metal cans.

In determining the number of rooms of any household, building or apartment in order to ascertain the rate for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets and toilets shall not be considered as rooms, nor shall basements or attics be considered as rooms unless the same be occupied as living quarters.

Any collection and disposition charges not specifically set forth herein shall be subject to agreement between the producer and a duly licensed refuse collector.

APPENDIX A

Procedure for Adjustment

There is hereby created a Rate Board consisting of the Chief Administrative Officer, who shall act as chairman, the Controller, and the Manager of Utilities. The Board shall convene upon call of the Chairman or the other two members and two members shall constitute a quorum. The Board shall act by majority vote. Any member of the Board may from time to time designate a subordinate from his own department to act in his place and stead as a member of the Board.

Any person, firm or corporation (including any holder of a permit to collect and dispose of refuse) affected by the above schedules of rates, or by any revised schedule of rates hereafter placed in effect, and desiring an increase, decrease, or other adjustment or change in, or addition to, such rates or schedules or the regulations appertaining thereto, shall file an application therefor with the Chairman of the Rate Board, who shall thereupon refer the same to the Director of Public Works for hearing, report and recommendation as hereinafter provided, unless the Rate Board shall determine that the application lies beyond its powers or presents no substantial question as to the justice or reasonableness of the rates, schedules of rates or regulations then in effect or is otherwise frivolous, in any of which events the Rate Board shall deny the application without further proceedings thereon.

Within thirty days thereafter, the Director of Public Works shall commence a public hearing upon the application and shall, not less than twenty days in advance of such hearing, cause to be published at least once in the official newspaper notice of the time and place thereof. The Director of Public Works shall be empowered to make or cause to be made such studies and investigations as he may deem pertinent to the application, to continue the hearing from time to time for that purpose, and to introduce the results of such studies and investigations in evidence. The applicant, and any person, firm or corporation affected by the application, shall be entitled to appear at the hearing and be heard. Any such person, firm or corporation desiring notice of further proceedings or action upon the application may file with the Chairman of the Rate Board a written request for such notice, setting forth his name and mailing address.

Upon the conclusion of the hearing and within ninety days after referral to him of the application, the Director of Public

APPENDIX A

Works shall make and file with the Chairman of the Rate Board a Report setting forth the facts as found by him from the evidence taken and record made at the hearing, and a Recommended Order. The Recommended Order, if it provides for any change in the rates, schedules of rates, or regulations then in effect, shall set forth the date upon which the change is to take effect, which date shall be not less than fifteen days from the date of filing of the Recommended Order with the Chairman of the Rate Board. The Chairman of the Rate Board shall publish the Recommended Order, together with notice of filing thereof, in the official newspaper, and shall mail notice of the filing of the Report and Recommended Order to the applicant and to any others who shall have filed written requests for notice as hereinabove provided.

At any time within fifteen days after filing of the Director of Public Works' Report and Recommended Order with the Chairman of the Rate Board, the applicant or any person, firm or corporation affected by the application, may file with the Chairman of the Rate Board any objections that he may have to the Recommended Order. If no such objections be filed, then the Recommended Order shall be deemed the Order of the Rate Board and shall take effect according to its terms without other or further action by the Rate Board. If any such objections be filed, then the Rate Board, upon not less than ten days notice by mail to the applicant and to others who shall have filed written requests for notice as hereinabove provided, shall hear the objections and, upon the basis of the evidence taken and record made upon the hearing before the Director of Public Works, shall grant or deny the application in whole or in part and shall make such order, to take effect at such time, as may be just and reasonable. In the event of inability or failure of the Rate Board to render a decision within sixty days of the date of filing with it of the Director of Public Works' Report and Recommended Order, then the said Recommended Order shall be deemed the order of the Board and shall take effect upon expiration of said sixty day period.

Any revised rates, schedules of rates or regulations placed in effect pursuant hereto shall be just and reasonable.

An application filed pursuant to this section and denied in whole or in part may not be renewed for a period of one year from the date of filing in the absence of an intervening change in conditions.

APPENDIX A

(b) Any collection and disposition of rates or charges for establishments other than residences, flats and apartment houses of not more than 600 rooms, shall be subject to contract between the producer and a duly licensed refuse collector.

SECTION 7. It shall be unlawful for any refuse disposer or refuse collector to charge a greater rate for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

Nothing herein contained shall be taken or construed as preventing a refuse disposer or a refuse collector from charging a lesser rate or charge for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

SECTION 8. Each licensed refuse collector shall be assigned a number by the Director of Public Health. The Director of Public Health shall furnish each collector a metal badge on which is marked the number assigned the collector, who at all times while collecting refuse shall wear said badge in plain view. The Director of Public Health shall collect from each collector for the expense of providing said badge and the issuance of said license the sum of \$5. Each vehicle or wagon in which refuse is transported through the streets shall be assigned a number by the Director of Public Health and the number thereof shall be plainly marked thereon.

SECTION 9. The license, as distinguished from a permit herein, of any refuse collector, may be revoked by the Director of Public Health for failure on the part of the refuse collector to properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons whose refuse he is collecting, and it shall be unlawful for any person whose license is so revoked to collect refuse in the City and County of San Francisco.

No license of a refuse collector shall be revoked except upon a hearing of which the refuse collector has been given a notice of at least three days.

SECTION 10. Upon the payment of the rate fixed in or pursuant to Section 6(a) of this ordinance for the collection and

APPENDIX A

removal of refuse, the person paying the same shall be entitled to, and there shall be delivered to him, a receipt on which shall be shown the amount paid, the premises for which it is paid, the name and number of the collector, the number of the vehicle or wagon, and, in clearly legible print, the schedule of rates applicable to his classification of establishment. On the face of said receipt there shall be printed the following words: "The rates for the collection of refuse are fixed pursuant to initiative ordinance and are printed on the back of this receipt. Complaints as to service should be made to the Department of Public Health."

Upon the payment of a rate fixed by contract pursuant to section 6(b) hereof, the person paying the same shall be given a receipt which shall show the amount paid, the period for which paid, the premises for which paid, the name and number of the collector and the date of payment, and shall bear the notation that the rate charged is subject to private contract.

SECTION 11. Disputes over charges made by collectors or as to the character of the service performed shall be decided by the Director of Public Health. Any charges made in excess of rates fixed pursuant to this ordinance, when determined by the Director of Public Health, shall be refunded to the person or persons who paid the excess charge.

SECTION 12. A refuse collector shall be entitled to payment for the collection of refuse at the end of each month from each householder or landlord served by him and from whom the payment is due.

SECTION 13. The initiative ordinance passed by the People of the City and County of San Francisco on June 14, 1927, providing for the collection and disposition of refuse in the City and County of San Francisco; providing for the licensing of refuse collectors by the Board of Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes and apartment houses; dividing City and County of San Francisco into collection routes; and providing penalties for the violation of the provisions of this ordinance, and all other ordinances in conflict therewith, are herewith repealed.

APPENDIX A

SECTION 14. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500), or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

SECTION 15. This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor; provided, however, that for the purpose of issuing licenses to refuse collectors, application may be filed and the licenses issued during the period between the final approval of this ordinance and the date of its taking effect.

SECTION 16. The Controller shall furnish the Director of Public Health with such financial data, including data as to the cost of refuse collections, as may be required by the Director to enable him to perform his functions under this ordinance. The Controller shall likewise make available at any hearing before the Director of Public Works upon an application filed pursuant to section 6 hereof such financial data, including data as to the cost of refuse collections, as the Director of Public Works may deem pertinent to the issues raised by the application. Each collector holding a permit shall keep such records and render such reports as may be required by the Controller to enable him to develop the above-mentioned data, and the Controller shall have access to such records.

SECTION 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. It is hereby declared that this act, and each section, subsection, sentence, clause and phrase thereof, would have been passed irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases had been declared unconstitutional. [*Adopted, 1932; amended, 1946; 1954; 1960*]

APPENDIX B

REGULATION OF STREET RAILWAY CARS

Adopted May 2, 1935

Providing for the Operation of Street Railway Cars by a Motorman and Conductor, Specifying the Entrance Age of Employees on Street Railways, and Providing a Penalty for Violations Thereof.

*Be it Ordained by the People of the City and County
of San Francisco:*

SECTION 1. Every street railway car and every cable car while carrying passengers in the City and County of San Francisco, except street railway cars acquired or to be acquired by the City and County of San Francisco subsequent to January 1, 1939, shall be in charge of a motorman or a gripman and a conductor; every motorman and gripman and conductor employed in the operation of any street railway car or cable car must be an adult of not less than twenty-one (21) years of age.

This ordinance shall not be repealed, modified or amended except by vote of the electorate.

SECTION 2. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each offense, not less than Fifty Dollars (\$50), nor more than Three Hundred Dollars (\$300), or by imprisonment for a term not exceeding six (6) months in the County Jail of the City and County of San Francisco, or by both such fine and imprisonment. [*Adopted, 1935; amended, 1954*]

Appendix C

Regulating Sale of Fresh Meat

Adopted November 5, 1968

Repealing Sections 557, 558 and 798, Part II, Chapter V, San Francisco Municipal Code (Health Code) relating to hours of business for sale of fresh meats and poultry.

Section 1. Sections 557, 558 and 798, Part II, Chapter V (Health Code) of the San Francisco Municipal Code are hereby repealed.

Section 2. No laws shall hereafter be enacted by the governing body of the City and County of San Francisco, State of California, which would prevent the sale of fresh meat and poultry in San Francisco between the hours of 6:00 P.M. and 7:00 A.M., and on Sundays and Holidays, provided that such sales of fresh meat and poultry shall be subject to those laws heretofore or hereafter enacted which regulate the sale of fresh meat and poultry during the other hours of sale.

INDEX

A

ABANDONMENT

Lands not needed for park or recreation, 7.403(a)
Street railway abandonment, 3.595

ABATEMENT PROCEEDINGS

Dangerous buildings subject to, 3.595

ABSENCE

Boards and commissions meetings, penalty, 3.500
Compensation earnable during, 8.509
Jury duty absences noted, 8.400
Leave of Absence, see Leave of Absence
Port Commission members and officers, absence from State, 3.581
Retirement service credits affected by, 8.509, 8.20(d)

ABSENCE FROM CITY

Residence requirement, by ordinance, 8.100

ABSENCE FROM STATE

Officer's absence, prohibition of, 8.102
Vacancy in office by, 8.104

ACADEMY OF SCIENCES

California, see California Academy of Sciences

ACCOUNTANTS

County, see County Accountant

ACCOUNTS AND PROCEDURE

Budgeted items recorded by, 3.301
Controller as supervising, 3.301
Expense appropriation items, 6.302
Joint custody accounts of items in joint custody, safe, 6.310
Keeping, controller as, 3.301
Public Utilities commission keeping separate, 3.596
Public works cost accounts, 7.200
Revenues recorded by, 3.301
Transactions shown by, 3.301

ACT OF GOD

Extension of contract time for delays due to, 7.203

ACTING MAYOR

Appointment from board of supervisors, 3.100
Failure to designate as tolling time limitations, 2.302

ACTION OR SUIT

By and against the city, 1.101
City attorney, commencement by, 3.401
Claims procedure prerequisite, to, 7.703
Compromise and settlement of claims under ordinances, 7.703
Dismissal by city attorney, limitation upon, 3.401
Dismissal under ordinance, 7.703
Port director as suing or defending, 3.581
Record of, city attorney to keep, 3.401
Registers of, duty of keeping, 3.401
Taxpayers' suits, generally, 7.700

ACTUARY

Generally, see Firemen's Retirement; Police Retirement; Retirement
Health service changes requiring, 8.422
Retirement system changes, reports for, 8.500

ADDITIONAL POWERS

Conferring of, by supervisors, 2.101

ADJUSTMENT

Claims, ordinance prescribing method, 7.703
Fire department salaries, survey, 8.405
Police department salaries, survey, 8.405

ADMINISTRATION

Charter, duty to follow, 2.401, 3.101
Chief administrative officer as responsible for, 3.201
Code, enactment and publication of, 2.307, 10.100
Departments, see Departments
Heads, boards and commissions, 3.500

ADMINISTRATORS

San Francisco General Hospital, appointment, 3.510

ADMISSION FEES

California Academy of Sciences, 6.411
Permission to charge granted by recreation and park commission, 3.552, 7.403(c)

ADULT PROBATION

Board—
city officers, members as, 1.103
continuance of powers and duties, 4.105

ADULT PROBATION—Cont'd

Officer—

- appointing officer, as, 4.105
- assistants, deputies and employees, appointment of, 4.105
- Civil service applicable to assistants and employees, 4.105
- continuance of employees under civil service, 4.105
- pension provisions of charter applicable to, 4.105
- retirement provisions of charter applicable to, 4.105
- salaries and wages of, 4.105

ADVERTISING

- Budgeting and control by chief administrative officer, 3.201
- Newspaper, see **Official Newspaper**
- Port Commission, campaigns by, 3.581

AFFIDAVITS

- Health service disclaimers, stating of 8 420

AGE

- Police department applicants, 8.321

AGREEMENTS

- Contracts, see **Contracts**

AIR COMMERCE

- Port Commission, promotion by, 3.581

AIR CORPS

- Veterans preference in examination, 8.324

AIRPORT

- Buildings, powers as to, 3.693
- Civil service right of employees, 8.300(h)
- Commission, see **Airports Commission**
- Concessions on property, 7 405
- Control, management or operation, relinquishment as subject to ordinances and referendum, 7 402
- Director, see **Director of Airports**
- Employees, 8.300(h)
- Hangars, powers as to, 3 693
- Leases on property, 7 405
- Rates and charges, 3.691
- Revenue bonds, 7.306
- Revenue fund, 6.408

AIRPORTS COMMISSION

- Appointment, 3.690
- Attorneys, appointment of, 3.694
- Bureaus, creation of, 3.693

City attorney, duties, 3.694

Claims, contracts, etc., continuances of, 3.690

Concessions at airport, 7.405

Director of airports, 3.694

Divisions, 3.692

Duties, generally, 3.690, 3.691

Legal adviser, 3.694

Membership, 3.690

Powers, 3.691

Public utilities commission, as successor to airport jurisdiction of, 3.690, 3.691

Revenue bonds, 7.306

Revenue fund, 6.408

Secretary, 3.693

Terms of office of members, 3.690

AIRPORTS REVENUE FUND

- Generally, 6.408

AIR TRANSPORTATION FACILITIES

- Bonded indebtedness limits, 6 401(a)

ALLOTMENTS

- Additional, for emergencies, 6.301
- Contract certifications limited by, 6.301
- Emergencies requiring additional, 6.301
- Excess expenditures prohibited by, 6.301
- Income or revenues, controller allotting according to, 6.301
- Liabilities approvals by controller limited by, 6.301
- Purchase order certifications limited by, 6.301
- Warrants issued as limited by, 6.301

ALTERATIONS

- Inspection of applications for, 3 545

AMENDMENTS

- Budget estimate salaries standardization revisions requiring, 8 401
- Charter, 9.112
- Fire department salary adjustments, appropriation ordinance for, 3.542
- Leaves of absence, rules governing, 8.360
- Master plan 3 525
- Miscellaneous officers and employees, retirement provisions, 8.509
- Municipal railway employees, salary ordinances, 8.404
- Ordinances, 2.300, 2.301, 2.302
- Retirement provisions, see **Retirement**

INDEX

AMENDMENTS—Cont'd

Salary ordinance, 6.207
fire department salary revisions, for, 8.405
police department salaries, for, 8.405
Schedule of compensations amended, 8.401

AMERICAN RED CROSS

Continuance in city service after war service in, 8.362(a)
Leaves granted for service, 8.362(b)
Military leaves, service deemed as, 8.362(a)
Reinstatement after service with, 8.362(a)
Service, with, as city service, 8.362(a)
Time limit for reinstatement after service with, 8.362(a)

ANALYST

Budget, 2.203-1

ANCHORING OF VESSELS

Port commission controlling, 3.581

ANNUAL EXECUTIVE BUDGET

Mayor's duties as to, 3.100

ANNUAL REPORTS

Boards' duty to make, 3.500
Commissions' duty to make, 3.500
Controller's financial reports, 3.302
Department heads' duty to make, 3.501

APPEAL BONDS

Custody by warrant and bond deputy, 3.402
Discharge of persons on approval of, 3.402
Magistrate approval of, 3.402

APPEALS

Hearings, see Hearings
License and permit appeals, 7.500
Medical care determinations, 8.430
Promotional appointment terminations, 8.340
Removal and suspension proceedings, 8.341, 8.342, 8.343
Suspension of firemen or policemen, 8.343
Writing, removal appeals in, 8.341
Zoning matters—
change decisions, 7.501
variances, 7.503

APPLICATIONS

Licenses and permits, for, 7.500

APPOINTING OFFICER

Adult probation officer as, 4.105
Airport director as, 3.693
Bureau head as, 3.501
California Academy of Sciences, chief administrative officer as appointing officer, 3.641
Clerk of board of supervisors as, 2.203
Commission as, 8.200
Department heads as, 3.501
Director of planning as, 3.522
Findings against employees as final, 8.341
Health service board president as, 3.680
Health service medical director as, 8.578
Institution head as, 3.501
Librarian as, 3.561
Permanent appointment recommended by, 8.329
Probation officer of juvenile court as, 4.105
Recreation and park department general manager as, 3.551
Requisitioning for appointees, 8.329
Termination of appointment during probation period, 8.340
Utility head as, 3.501

APPOINTMENTS

Assessor's office, 3.400
Board members, by mayor, 3.100
Board of permit appeals, 3.650
Chief probation officers of juvenile court, 4.105
Citizenship required, 8.100
City attorney's office, 3.401
Civil service, see Civil Service Appointments
Commission members appointed by mayor, 3.100
District attorney's office, 3.402
Elector status required, 8.100
Health service board membership, 8.420
Health service system medical director, executive officer, medical advisor, 3.682
Interference with, as prohibited, 2.401, 3.100
Library commission, 3.560
Limited tenure, 8.331
Mayor's secretaries and stenographers, 3.100
Municipal court clerks, 4.102

SAN FRANCISCO CHARTER

APPOINTMENTS—Cont'd

Notice to civil service commission, 8.200
Port commission members, 3.580
Port director, 3.581
Probationary civil service employees, 8.329, 8.360
Residence required, when, 8.100
Retired persons as barred from, 8.509, 8.511, 8.557, 8.581
Sheriff's office, 3.404
Temporary, approval required, 3.501
Treasurer's office, 3.405
Vacancy in office, appointment by mayor, 3.100
War memorial trustee, 3.610
Warrant and bond office, 3.402

APPRAISALS

Acquisitions of real property, for, 7.400
Departmental purchases or leases, for, 7.400
Depreciation of utilities based on, 6.407
Property sales, appraisals for, 7.401
Utilities depreciation based on, 6.407

APPROACHES

Art commission approval of designs for, 3.601

APPROPRIATIONS

Allotments for expenditures based on estimated budget, 6.301
Authority for, generally, 6.203
Capital improvement appropriations subject to planning department action, 6.202
Controller's monthly reports as to, 3.302
Emergency reserve fund appropriations, 6.307
Expenditure obligation depending upon appropriations and balances, 6.312
Expenditures to be in pursuance of, 6.303
Fire department salary adjustments, 3.542
Harbor operations, repairs, etc., 3.583
Health service system, for, 8.428, 8.431
prohibited, as, 8.420
Materials, supplies and equipment, segregation of, 7.104
Mayor's office, for, 3.100
Ordinances, see **Appropriation Ordinances**

Public improvement revolving fund, for, 7.603
Redemption items not specifically appropriated, administration of, 6.300
Reductions of mandatory appropriation to meet emergency, 8.406
Retirement funds, contributions for, 8.510, 8.520(b), 8.530, 8.532, 8.550
Schedules of allotments for expenditures based on estimated income, 6.301
Supplemental appropriations, 6.306
capital improvement projects, request, 6.202
civil service examinations, for, 8.333
eligible list during war time, for, 8.331
Tax levy, for, 6.208
Tax revenues, amounts appropriated limited by, 6.301
Unused appropriations, transfer of, 6.305
Use of, authority for, 6.300
Utilities fund, use of, 6.407
Utilities reconstruction and replacements, 6.407
Withdrawals from treasury to be in pursuance of, 6.303

APPROPRIATIONS ORDINANCES

Accounting control basis furnished by, 6.203
Adoption of, generally, 6.205
Amendment —
fire department salary revisions, 8.405
police department salaries, 8.405
re-advertising upon, 6.204
salary ordinances, 6.207
Authority for controller, as, 6.300
Capital improvement projects, for, 6.202
Class titles and numbers used on, 3.661
Draft submitted by mayor to supervisors, 6.203
Expense appropriations items, accounts of, 6.302
Hearing dates on proposal for, 6.205
Municipal railway salaries, 8.404
Number of subjects in, 2.300
Passage of —
after adoption of budget, 6.205
generally, 2.300
Positions as created by, 8.200
Readings required for, 2.300
Readvertising in case of amendment, 6.204, 10.100

INDEX

APPROP. ORD.—Cont'd

Reductions by mayor, 2.302
Referendum as applying to, 9.108
Requisites of, 6.203
Salary deductions for emergency —
 figuring in, 8.406
 revision for, 8.406
Salary increases, 8.400(h)
Salary ordinance passed at same time,
 6.207
Special election fund, 9.110
Subject, limitation to appropriations,
 2.300
Supplemental, exemption from refer-
 endum, 9.108
Surplus appropriated by supplemental
 ordinance, 6.306
Vetoes by mayor, 6.206

ARBITRATION

Municipal railway employees, disputes,
 establishing procedure, 8.404

ARBORETUM

See Strybing Arboretum and Botanical
 Gardens

ARCHITECT

Appointment of by mayor, 3.600
Planning commission contracting with,
 3.523

ARCHES

Art commission approval required for,
 3.601

ARMY AND NAVY

Civil service examination preference to
 veterans, 8.324
Military leaves, see Military Leaves

ARRESTS

Warrants for, 3.402
Without warrant, cash bail in cases of,
 3.402

ART

Advancement, art commission control
 of expenditures for, 3.601
Commission, see Art Commission

ART COMMISSION

Advancement of art and music, con-
 trol of expenditures for, 3.601
Advice to private parties by, 3.601
Approaches designs, approval of,
 3.601
Architect, appointment of, 3.600
Artist-painter, appointment of, 3.600

Bridge designs, approving of, 3.601
Building designs, approval of, 3.601
California academy building plans ap-
 proved by, 3.601
Compensation, service without, 3.600
Creation of, 3.600
Duties of, generally, 3.601
Elevated ways designs as approved by,
 3.601
Ex-officio members of, 3.600
Expenditures for advancement of art
 and music, control of, 3.601
Fence designs, approval of, 3.601
Lamp designs, approval of, 3.600
Landscape architect for, 3.600
Lay members, appointment of, 3.600
Litterateur, appointment of, 3.600
Mayor, appointment of members by,
 3.600
Music expenditures, supervision of,
 3.601
Musician, appointment of, 3.600
Number of members of, 3.600
Painter, appointment of, 3.600
Policy supervision respecting arts,
 3.601
Powers of, generally, 3.601
Private property —
 beautification, advice as to, 3.601
 designs, approval of, 3.601
Quorum for official business, 3.600
Sculptor, appointment of, 3.600
Tax levies to support, 6.400
Works of art, see Works of Art

ARTIST-PAINTER

Appointment by mayor, 3.600

ARTIST-SCULPTOR

Appointment by mayor, 3.600

ART WORK

Works of art, see Works of Art

ASSESSMENT

Delinquencies noted to tax collector
 by public works department, 7.600
Special assessments
 installment payment of, 7.603
 interest as added to, 7.603
 limitation on, 7.603
 projects, see Special Assessment Pro-
 jects
 public improvements, 7.603
 revolving fund as reimbursed from
 proceeds of, 7.603

SAN FRANCISCO CHARTER

ASSESSOR

Appointments by, 3.400
Elective officer, as, 3.400. 9.100
Generally, 3.400
Official bond of, 3.400
Salary of, 3.400
Term of, 9.100

ASSUMPTION OF RISKS

Workmen's compensation, 8.515

ATHLETIC CONTESTS

Admission fees, permission to charge,
3.552, 7.403
Lease of stadiums and recreation fields
for, 3.552, 7.403

ATTENDANCE

Boards and commissions meetings,
compelled, 3.500
Penalty for non-attendance, 3.500

ATTORNEYS

Airports commission, for, 3.694
City, see **City Attorney**
District, see **District Attorney**
Law practice, see **Law Practice**
Public administrator, for, 3.510
Public defender, see **Public Defender**
Salary standardization applicable to at-
torney appointed by public admin-
istrator, 8.401
Sheriff's office, for, 3.404

AUCTIONEERS

Inspection of, 7.704

AUCTIONS

Sale of real property by city, 6.409,
7.401

AUDITOR

Controller as, 3.301
County accountant, auditor deemed
appointed as, 3.300

AUDITS

Claims audited by controller, 6.303
Controller as conducting, 3.303
Controller's books, annual audit of,
3.305
Health service system funds, 8.581

AUTOMOBILE PARKING

Lease of parks and squares subsurface
for, 3.552, 7.403

AVENUES

Buildings on
power to erect, 3.552
use restricted to recreation, 7.403
Control management and direction by
commission, 3.552
Leases of land, 3.552, 7.403

B

BAIL

Bonds, see **Bail Bonds**
Cash bail fixed by warrant and bond
deputy, 3.402

BAIL BONDS

Custody by warrant and bond deputy,
3.402
Discharge of persons on approval of,
3.402
Issuance by warrant and bond deputy,
3.402
Magistrate approval of, 3.402

BALANCES

Temporary transfers or loans made
from idle balances, 6.304

BALLOTS

Election, see **Elections; Initiative, Re-
ferendum and Recall**
Health service board elections, for,
3.680

BAR MEMBERSHIP

Qualification for office, see **Law Prac-
tice**

BASIC WEEK OF SERVICE

Police department, 8.451

BEATS

Patrol special police officer as owning,
3.536

BEAUTIFICATION

Art commission advice to private par-
ties as to, 3.601

BEQUESTS

See also: **Devises; Gifts**
Investment of, 6.311
Power of city to receive, 1.101
Receiving for city, 3.500
Title vesting in city, 3.500

INDEX

BIDS

Airport leases subject to, 7.402
Awards, notice of, 7.103
Bonds on filing of, 7.205
Brand names purchases, bids on, 7.100
City department bidding on city contracts, 7.200
Collusion as to, penalties, 7.206
Controller awarding supplies purchases where purchaser and department head differ, 7.100
Experience and financial qualifications, bidders, 7.200
Lease of city property, bids on, 7.402
Lowest bid, report on failure to accept, 7.200
Materials and equipment purchased on sealed bids, 7.103
Open market purchases as subject to, 7.100
Produce market relocation, property transactions for, 7.703
Publication of invitation for, 10.100
Public works contracts under \$2000 as subject to, 7.200
Purchases by city, bids on, 7.102, 7.200, 7.201
Re-advertising for, 7.200, 10.100
Records kept of, 7.100
Rejection —
advertising reserving rights, 7.200
purchaser of supplies, by, 7.200
Sale of real property by city, bids on, 7.401
Security given as provided by ordinance, 7.205

BILLS

Purchases of materials, approval of, 3.501

BLIGHTED AREAS

Redevelopment project plans submitted and acted upon, 3.527

BLIND PERSONS

Hiring of, 8.310

BOARD OF ADMINISTRATION

Retirement board succeeding, 3.670

BOARD OF EDUCATION

See also: School Board; School Department; Schools; Teachers

Budget estimates, hearing on, 6.200
Certificates of teachers, power as to, 5.101

Charges for removal of superintendent of schools, 5.102

Community college district, 5.104

Compensation of members, 5.100

Duties of, generally, 5.101

Election of, 5.100, 9.100

Health service system, appropriations for, 8.428, 8.431

Hearings, budget estimates as subject of, 6.200

Membership of, 5.100

Monies, powers as to, 5.101

Officers of city, members as, 1.103

Powers of, generally, 5.101

Public schools controlled by, 5.100

Recall, subject to, 5.100, 9.108

Removal of superintendent of schools by, 5.102

Removal, subject to, 5.100, 9.108

Retirement of employees under state systems, contributions reductions for, 8.513

Salaries of employees, twelve payments, 5.101

Statement of qualifications for nominees, filing, etc., 5.100

Superintendent of schools appointed by, 5.102

Suspensions, subject to, 5.100

Teachers, see Teachers

Terms of office of members, 5.100

Withdrawal of employees from city retirement, contributions reductions for, 8.513

BOARD OF EQUALIZATION

Board of supervisors as, 2.101

Clerk, clerk of board of supervisors as, 2.203

BOARD OF FIRE PENSION FUND COMMISSIONERS

Retirement board succeeding, 3.670

BOARD OF PERMIT APPEALS

See also: Licenses and Permits

Appeals to, 3.651

Appointments to, 3.650

Compensation of members of, 3.650

Number of members, 3.650

Right to appeal to, 3.651

Terms of office in, 3.650

Zoning variance decisions appealed to, 3.651

BOARD OF PUBLIC WORKS

See: Director of Public Works

BOARD OF SUPERVISORS

Abolishment of departments by, 2.101

Acting mayor appointed from, 3.100

SAN FRANCISCO CHARTER

BOARD OF SUPERV.—Cont'd

Action by resolution or ordinance, 2.300
 Administrative code, enactment and publication of, 2.307
 Administrative heads of, 3.500
 Annual message of mayor to, 3.100
 Appeals from zoning change decisions as heard by, 7.501
 Appointees of mayor, removal by board, 8.107
 Appointment of members to city service after term, 9.100
 Attendance, compelling of, 3.500
 Audit of controller's books ordered by, 3.305
 Bequests, powers and duties as to, 3.500
 Board of equalization, as, 2.101
 Bonds —
 members, 2.100
 officers and employees, 3.500
 Borrowing money by, 6.304
 Budget analyst, 2.203-1
 Budget message, printing and distribution, 6.203
 Calendar of business, publishing of, 2.201
 Capital improvement project, calling bond election for, 7.304
 Capital improvement recommendations to, 6.202
 Chief administrative officer having voice in, 3.201
 Charter, duty to follow, 2.401, 3.101
 Clearing house representative provided by, 6.309
 Clerk, see Clerk of Board of Supervisors
 Codification of ordinances, 2.306
 Committees of, 2.202
 Compensation of members, 2.100
 Confirmation of appointment of chief administrative officer, 3.200
 Consolidated budget estimates to, 6.205
 Contingent fund for chief of police, provision for, 3.539
 Contract procedure established by ordinance, 7.205
 Controller —
 books, audit ordered, 3.305
 confirmation of, 3.300
 Creation of departments by, 2.101
 Departments —
 creation of, 2.101
 investigation of, 2.400, 3.701
 Devises, powers and duties as to, 3.500
 Disaster powers, 2.102, 3.100
 Duties of, generally, 2.101, 2.102, 3.500

Emergencies —
 declaration as to, 8.406
 meeting place in case of, 2.200
 Election for public utilities bonds called by, 7.303
 Elective officer, members as, 9.100
 Form of notes as prescribed by, 6.304
 Gifts, powers and duties as to, 3.500
 Harbor, assuming jurisdiction of, powers, 3.582
 Health service board membership by finance committee chairman, 8.569
 Health service ordinances, power to enact, 8.432
 Health service system —
 appropriations for, 8.428, 8.429
 Interest by members in city transactions prohibited, 8.105
 Interest of officers or employees in contracts, sales, etc., determined by, 8.105
 Interest on notes fixed by, 6.304
 Interferences by, prohibition as to, 2.401
 Investigation of departments, power of, 2.400, 3.701
 Journal of proceedings —
 generally, 2.100
 clerk of board as keeping, 2.203
 votes recorded in, 2.300
 Juvenile court probation officer employees allowed by, 4.105
 Law library, providing for, 4.104
 Lease of excess real property, authorizing, 7.402
 Lease of park or recreation grounds, approval, 3.552, 7.403
 Licenses and permits, regulation of, 7.704
 Limitation upon appointments after term, 9.100
 Limited tenure, recommendation, 8.331
 Local sales and use taxes, powers as to, 6.412
 Mains for sewers, water, gas, providing for, 7.604
 Majority vote, definition of, 3.500
 Master plans amendment copies to, 3.525
 Mayor having seat in, 3.100
 members acting as in case of disaster, 3.100
 Meetings of —
 attendance, compelling of, 3.500
 generally, 2.200, 3.500
 public entitled to attend, 3.500
 Membership of, 2.100
 Money, providing for custody of, 6.310

INDEX

- BOARD OF SUPERVISORS—Cont'd**
Municipal election for members, 9.100
Narcotic law enforcement fund, appropriation for, 3.539
Nominee of mayor, removal by board, 8.107
Number of classes of employment determined by, 2.101
Number of members of, 2.100
Office in charge of clerk, 2.203
Official bonds —
members, 2.100
officers and employees, 3.500
Ordinances of, see Ordinances
Payment of notes as governed by, 6.304
Police department salaries, fixing of, 3.532, 8.405
Port Commission, confirmation of appointments to, 3.582
Powers of —
conferring on officers and commissions, 2.101
generally, 2.101, 3.500
President —
appointment of, 3.500
committees appointed by, 2.202
election of, 2.202
presiding officer, as, 2.202
term of, 2.202
Private business or practice by members, restrictions, 8.105
Private property danger, provision as to, 7.604
Probation —
employees provided by, 4.105
salaries fixed by, 4.105
Property —
custody, providing for, 6.310
sales, authorizing, 7.401
Proposed budget transmitted to by mayor, 6.203
Public utilities —
bond election, calling, 7.303
lease or sale, 7.404
reports on acquisitions, procuring, 3.599
reserve funds, requiring of, 6.407
Public works and improvements—
charter provisions enforcement, 7.204
contracts under \$5,000, powers, 7.201
procedure, powers as to, 7.600
Quorum, majority as being, 3.500
Record of proceedings —
generally, 2.203, 3.500
clerk in charge of, 2.203
Referendum by, see Initiative, Referendum and Recall
Removal of officer by, 8.107
Residence requirements for officers and employees, fixing of, 8.100
Resolutions of, see Resolutions
Retirement —
effectuation of provisions, 8.500
exclusion from system, 8.501
Retirement board membership by president, 3.670, 3.672
Retirement system adjustments required by social security, power to make, 8.514
Revolving funds established by, 6.308
Rules and regulations for affairs of, 3.500
Salaries of members, 2.100
Salary survey fund authorized by, 8.400
Sales —
notes securing loans to city, 6.304
real property, 7.401
taxes, power to legislate as to, 6.412
Schedules of compensation adopted by, 8.400-8.405
Secretary of, 3.500
Sidewalk repair where owner fails, 7.601
Social security coverage of employees—
providing conditions for, 8.514
referendum, subjection to, 8.514
Special assessment projects, functions as to, 7.603
Special committees of, 2.202, 3.500
Special meetings, 2.200, 3.500
Spur tracks request, functions as to, 7.606
Standing committees of, 2.202, 3.500
Streets accepted by after paving, 7.601
Superintendent of, 3.500
Superior courts maintenance provided by, 4.103
Supplemental appropriations by, 6.306
Tax levies by, 6.208, 6.400
Teachers' retirement system options, power to implement, 8.506.1
Telephone connections for private persons, regulation of, 3.510
Temporary meeting place of, 2.200
Temporary transfers or loans made by, 6.304
Terms of office, 9.100
Trusts for city, authorizing performance, 3.500
Unencumbered balance transfers by, 6.305
Uniform sales and use taxes, powers as to, 6.412
Use taxes, power to legislate as to, 6.412

BOARD OF SUPERVISORS—Cont'd

Utilities —
 lease or sale, power as to, 7.404
 rates changes submitted to, 3.598
 revenue deficiency, tax levy to meet,
 3.598
 surpluses, transfer to general fund,
 6.407
 Veto of appropriation ordinance, ac-
 tion on, 6.205
 Voting power of mayor in, 3.100
 Zoning procedure action established
 by, 7.501

**BOARD OF TRUSTEES OF POLICE
 RELIEF AND PENSION FUND**
 Retirement board succeeding, 3.670

**BOARD OF TRUSTEES OF WAR
 MEMORIAL**

Compensation, service without, 3.610
 Duties as to war memorial, 3.610
 Managing director, appointment of,
 3.611
 Mayor, appointment by, 3.610
 Number of members of, 3.610
 Secretary, appointment of, 3.611
 Terms of office of, 3.610

BOARDS

Additional powers conferred by super-
 visors, 2.101
 Administrative heads of, 3.500, 3.501
 Appointment to by mayor, 3.100
 Attendance, compelling of, 3.500
 Bequests, powers and duties as to,
 3.500
 Bonds of officers and employees,
 3.500
 Budget estimates filed with, 6.200
 Capital improvements projects, sched-
 ules and recommendations, 6.202
 Charter, duty to follow, 3.500
 Chief administrative officer making ap-
 pointments to, 3.201
 Chief executive officer as city officer,
 1.103
 City officers, members as, 1.103
 Combination of department functions
 by, 3.501
 Continuance of powers and duties,
 11.101
 Dealing solely through, 2.401, 3.101
 Department affairs, power to investi-
 gate, 2.400, 3.701
 Department head, chief executive as,
 3.501
 Department heads responsible to,
 3.501
 Devises, powers and duties as to, 3.500

Duties of, generally, 3.500
 Elector status required for appoint-
 ment to, 8.100
 Employment in firms regulated by,
 prohibited, 8.105
 Gifts, duties as to, 3.500
 Health service, see **Health Service
 Board**
 Interference with as prohibited, 2.401,
 3.101
 Investigation of department affairs,
 power, 2.400, 3.701
 Investment of trust funds by, 6.311
 Majority vote, definition of, 3.500
 Mayor having seat in, 3.100
 Meetings of, generally, 3.500
 Members as city officer, 1.103
 Officers of city, members as, 1.103
 Official bonds of officers and employ-
 ees, 3.500
 Port commission having powers of,
 generally, 3.581
 Powers of —
 generally, 3.500
 supervisors conferring, 2.101
 Publication of rules and regulations,
 3.500
 Qualification of appointees, generally,
 8.100
 Quorum, majority as being, 3.500
 Record of meetings, 3.500
 Residence required during term, 8.100
 Retired persons excluded as members,
 8.509, 8.511, 8.557, 8.581
 Retirement provisions excluding mem-
 bers of, 8.500
 Rules and regulations for affairs of,
 3.501
 Salary —
 standardization, exception from,
 8.401
 Secretaries of, 3.500
 Special committee, provision for,
 3.500
 Special meetings of, 3.500
 Standing committee, provision for,
 3.500
 Superintendents of, 3.500
 Teachers' retirement systems selection,
 powers, 8.506.1
 Temporary loans or transfers approved
 by, 6.304
 Transfer of department functions by,
 3.501
 Trustees of gifts to city, function as,
 3.500
 Unencumbered balance transfers re-
 commended by, 6.305
 Voting power of mayor in, 3.100

INDEX

BOATS

Port commission powers as to, 3 581

BOND FUNDS

Salary deductions during emergencies as reverting to, 8 406

BOND ISSUES

Election by petition, 7 303

Emergency measures affecting, limitation on, 2.301

Revolving fund for public improvement, proceeds to, 7.603

Special elections for, 9.103

BONDED INDEBTEDNESS

Additional for harbor as excluded from limit, 6.401

Assumption of state's indebtedness as to harbor property, 6.401

Borrowed money for, repayment of, 6.304

Capital improvement projects, incurring indebtedness for, 6.304

Controller's statement as to propositions for, 9.112

Foreign trade zones, for, 6.401

Harbor expenditures, 6.406

Harbor improvements, etc., exemption from limitations, 3.582

Limitation on —

establishment of, 6.401

exclusions from, 6.401

harbor property acquisition excluded from, 6.401

Payments from tax collections as preferred over city notes, 6.304

Public utilities indebtedness, 6.407. 7.303

Refunding, see **Refunding Bonds**

Repayment of money borrowed for, 6.304

State law as governing, 7.300

Tax sufficient for interest, necessity for, 6.400

BONDS

Airport, 7.306

Bail, see **Bail Bonds**

Capital improvement projects, for, 7.304

incurring indebtedness for, 7.304

Employees, bonds of, see **Official Bonds**

Harbor revenue bonds, 3.581, 3.583

Interest rates, 7.307

Issues, see **Bond Issues**

Official, see **Official Bonds**

Port commission, 7.305

issuing powers, 3.581

Public improvements, bonds for, 7 302

Public utilities bonds not invalidated by error in proceedings, 7.303

Redemption statement submitted with budget estimates, 6.200

Revolving fund established by proceeds of public improvement bonds, 7.302

Special assessment project bonds, 7.603

Utilities expenditures for improvements financed by, restrictions as to, 6.205

BOOKS

Examination of department and office books, power as to, 2.400

Penalty for failure to produce, 2 400

Rules and regulations as to, 3.500

BORROWING MONEY

Anticipation of income in borrowing, 6.304

Bonded indebtedness, repayment of money borrowed for, 6.304

First half of fiscal year, time of repayment, 6.304

Fiscal year funds as repayment for, 6.304

Interest, budget as including, 6.304

Notes as security for, 6.304

Ordinances authorizing, 6.304

Pro rata repayment in case of insufficiency of funds, 6 304

Sale of notes securing money borrowed, 6.304

Second half of fiscal year, time of repayment, 6.304

Temporary loans and transfers, see **Temporary Loans and Transfers**

BOTANICAL GARDENS

See **Strybing Arboretum and Botanical Gardens**

BOUNDARIES

Extension of, 1.100

Institutions outside of, power as to, 1.100

San Francisco, boundaries of, 1.100

Services outside of, power as to, 1.101

BRIDGES

Construction over \$2,000 requiring contracts, 7.200

BRIEFS

Keeping, duty as to, 3.401

SAN FRANCISCO CHARTER

BROKEN PROPERTY

Employees' property damaged in line of duty, repair or replacement of, 8.411

BUDGET

Adoption of, 6.205

Analyst, 2.203-1

Appropriation ordinance as based on, 6.300

Estimate, see *Budget Estimates*

Increases in salaries at time of, 8.400(h)

Interest on borrowed money in, 6.304
Mayor's review and submission of, 3.100

Police department compensation in, 8.405

Proposed budget —

additions by supervisors on mayor's request, 6.205

capital expenditures additions by supervisors, 6.202

city planning report on increases, 6.202

decreases by supervisors, 6.205

detail published, 6.205

hearings —

adoption after, 6.205

fixing of dates for, 6.205

increases by supervisors at mayor's request, 6.205

public improvements additions by supervisors, 6.205

rejection of items by supervisors, 6.204

transmittal by mayor to supervisors, 6.203

Salary increases determined at adoption of, 8.400(h)

BUDGET ANALYST

Appointment, removal, 2.203-1

BUDGET ESTIMATES

Additional data for controller, 6.200

Amendments, salaries standardization requiring, 8.403

Arrangement for mayor, 6.203

Blank for, 6.200

Board of education hearings on, 6.200

Bond redemption statements submitted with, 6.200

Capital expenditures, increases by mayor, 6.203

Checking by controller, 6.200

City planning reporting on increases, 6.202

Classification of expenditures, uniformity, 6.201

Consolidation —

controller performing, 6.200
transmittal by mayor to supervisors, 6.203

Comparison shown by arrangement of, 6.200

Compensation schedules included in, 6.201

Controller —

blanks furnished by, 6.200

checking by, 6.200

filing with, 6.200

Debt statements submitted with, 6.200

Decreases —

mayor effecting, 6.203

reasons stated, 6.201

Expenditures and revenues compared in arrangement of, 6.201

Expenditures statement included with, 6.201

Filing with boards or commissions, 6.200

Form of, 6.201

Hearings on, 6.201

Increases —

mayor making, 6.203

reasons stated, 6.201

Information to be included with, 6.201

Interest statement submitted with, 6.200

Itemized estimates of expenses included in, 6.201

Judgment statement included in submission to mayor, 6.200

Mayor, segregation and transmission to, 6.200

Number of copies required, 6.200

Part-time employees recorded on, 8.402

Police department compensation in, 8.405(a)

Positions schedules included in, 6.201

Proposed work programs schedules included with, 6.201

Public improvements requests, increases by mayor, 6.203

Public utilities commission hearings on, 6.200

Reasons for increases or decreases stated, 6.201

Recapitulation for mayor, 6.203

Redemption of bond statement submitted, 6.200

Referendum, exemption from, 9.108

Rejection of items by mayor, 6.203

Revenue statements submitted with, 6.200

INDEX

BUDGET ESTIMATES—Cont'd

Salary —
deductions during public emergencies taken, 8.406
increases determined, 8.400
schedule of compensations, accord with, 8.401
standardization amendment for, 8.403
Schedule of compensations, accord with, 8.401
Segregation for mayor, 6.200
Sinking fund statement submitted with, 6.200
Summary for mayor, 6.200
Surplus estimates submitted with, 6.200
Tax judgment statement included with submission to mayor, 6.200
Time for, 6.200
Uniformity required in classification of expenditures, 6.201
Utility —
estimates exceeding revenues, approval of, 6.205
increases by mayor prohibited, 6.203
increases by supervisors prohibited, 6.205
Work program proposal included with, 6.201

BUDGET ORDINANCES

Salaries not subject to standardization as fixed by, 8.400(h)

BUILDING APPLICATIONS

Approval upon modification of, 3.545
Inspection by bureau of fire prevention and public safety, 3.545
Report of bureau of fire prevention on, 3.545

BUILDING CODE

Fire inspections of structures defined under, 3.545
Fire safety provisions, revision of, 3.545

BUILDINGS

Abatement proceedings, subject to, 3.545
Art commission approval of designs, 3.601
Avenues, buildings on, 3.552, 7.403
California academy buildings, 3.642
Construction over \$2,000 requiring contract, 7.200

Master plan including intensity recommendations, 3.524
M.H. de Young memorial museum, 3.631
Port buildings —
lease of, 3.581
use assigned, 3.581
Public nuisances, as, 3.545
Recreation and park —
commission powers as to, 3.552
use restricted, 3.552
Set-back lines, hearings as to, 7.501
Squares, buildings on, 3.552, 7.403
Tax levies to support, 6.400(a)

BUREAU HEADS

Appointing officers, as, 3.501
Checking of purchases, duty of, 3.501
Requisitions for purchases, power to issue, 3.501

BUREAU OF CRIMINAL INFORMATION

Director, designation of, 3.533

BUREAU OF DELINQUENT REVENUE COLLECTION

Attorney for, 3.401
City attorney's duties in, transfer of, 3.401

BUREAU OF FIRE INVESTIGATION

Captain, seniority credits for examination for, 3.542
Credits for promotional examination, seniority, 3.542
Days off, 3.540
Division of fire prevention and investigation, component of, 3.545
Establishment of, 3.542
Fire department ranks, 3.540
Heroic conduct award, 3.540
Holidays, working on, 3.540
Hours of work, 3.540
Investigator —
establishment of, 3.540, 3.542
salary of, 3.540, 3.542, 8.405(c)
Jurisdiction over, 3.545
Lieutenant —
establishment of, 3.540, 3.542
examination for, 3.542
rank established, 3.540, 3.542
salary of, 3.540, 3.542, 8.405(c)
seniority credits for examination for, 3.542
Meritorious conduct award, 3.540
Overtime work, 3.540
Promotional examinations, eligibility for, 3.542

BUREAU OF FIRE INVEST.—Cont'd
 Seniority, promotional examination credits for, 3.542
 Tours of duty, see **Fire Department**
 Work schedules, see **Fire Department**

BUREAU OF FIRE PREVENTION AND PUBLIC SAFETY

Building applications, examination of, 3.545

Captain —
 establishment of, 3.540, 3.542
 rank established, 3.540, 3.542
 salary, 3.540, 3.542, 8.405(c)
 seniority credits for examination for, 3.542

Chief of department, jurisdiction of, 3.545

Creation of, 3.545

Credits for promotional examination, seniority, 3.542

Days off, 3.540

Duties of, 3.545

Examination of plans and specifications by, 3.545

Fire department ranks, 3.540

Heroic conduct award, 3.540

Holidays, working on, 3.540

Hours of work, 3.540

Inspections, 3.545

Inspector —
 rank established, 3.540, 3.542
 salary, 3.540, 3.542, 8.405(c)

Lieutenant —
 rank established, 3.540, 3.542
 salary, 3.540, 3.542, 8.405(c)
 seniority credits for examination for, 3.542

Meritorious conduct award, 3.540

Overtime work, 3.540

Plans for construction, etc., enforcing provisions as to, 3.545

Promotional examinations, eligibility for, 3.542

Public works department, assistance to, 3.545

Salaries for personnel, 3.540, 3.542, 8.405(c)

Seniority, promotional examination credits for, 3.542

Tours of duty, see **Fire Department**

Work schedules, see **Fire Department**

BUREAU OF INSPECTORS

Appointments to, 3.534

Assistant inspectors, in, 3.534

Competitive examinations for assistant inspector, 3.534

Demotion of members for rule violations, 3.534

Detail of police department members to, 3.534

Discipline of inspectors, 3.534

Punishment for rule violations, 3.534

Salary of inspectors, 3.534

BUREAU OF SPECIAL SERVICES

Director, designation of, 3.533

Inspectors in, deemed appointed, 3.534

BUSINESS

Licenses and permits, see **Licenses and Permits**

Private business by officers and employees, limitation as to, 8.105

BUS OPERATORS

See **Municipal Railway**

C

CABLE CARS

Abandonment after unification with municipal railway prohibited, 3.595

Fares, 3.595, 3.598

Mandatory lines and service, 3.595

CALENDAR OF BUSINESS

Board of supervisors, publishing, 2.201

CALIFORNIA ACADEMY OF SCIENCES

Admission fees, 6.411

Appointing officer for, 3.640

Appropriations for, 3.640, 6.404

Approval of building plans of, 3.641

Buildings —
 approval of, 3.641

 city property, as, 3.641

Charges for admission, 6.411

City employees, positions held by, 3.640

Civil service applying to employees of, 3.640

Employees in building controlled by, 3.640

Fees for admission, 6.411

Finance of proposed buildings, statement as to, 3.640

Lands for buildings set apart, 3.640

Management of buildings by, 3.640

Morrison Planetarium managed by, 3.640

Naming of buildings of, 3.642

Natural history museum managed by, 3.640

Non-profit corporation, as, 3.640

Operations, 3.640

INDEX

CALIF. ACAD. OF SC.—Cont'd

Positions in, city employees entitled to, 3.640
Recreation and park commission approving building plans of, 3.641
Report as to expenses and income, 3.643
Simpson African Hall managed by, 3.640
Steinhart Aquarium managed by, 3.640
funds for, 6.404
Trust terms adhered to, 3.644

CALIFORNIA ADMINISTRATIVE CODE

Fire inspections of premises, designated under Title 19 of, 3.545

CALIFORNIA PALACE OF LEGION OF HONOR

Accounts, duty of secretary to keep, 3.623
Additional trustees, for, 3.620
Administration in accordance with grant, 3.624
Appropriations for, 6.404
Bequests to, 3.621
Board chairman as ex-officio member of art commission, 3.600
Compensation, trustees serving without, 3.620
Control in accordance with grant, 3.624
Curator for, 3.622
Devises to, 3.621
Director for, 3.622
Gifts to, 3.621
Insurance of exhibits at, 3.623
Mayor as ex-officio trustee, 3.620
Meetings of trustee board, 3.621
Membership of trustee board, 3.620
Name as perpetual, 3.620
Recreation and park president as ex-officio trustee, 3.620
Secretary for, 3.622
Trustee board governing, 3.620
Vacancies in trustee board, 3.620

CANCELLATION

Veterans preference credit cancelled upon appointment, 8.324

CANDIDACY FOR OFFICE

See also: Elections
Elector status required, 8.100
Residence required, 8.100

CAPITAL IMPROVEMENT PROJECTS

Bond issues for, 7.304
Harbor, revenues, 3.583
Reports by city planning department, time requirements, 6.202

CASH RESERVE FUND

Creation of, 6.306
Expenses prior to tax payments, use for, 6.304
Increase by tax levy, 6.304
Maximum amount of, 6.304
Tax levy for, 6.304
Temporary transfers or loans for, 6.305
Transfers to, 6.305
Uses authorized, 6.305

CASH TRANSACTIONS

Accounts and procedure showing, 3.301

CENTRAL GARAGE

Garages transferred to, 7.100
Purchasing department as operating, 3.510, 7.100

CENTRAL STORES

Purchasing department as operating, 3.510, 7.100

CERTIFICATIONS

Appropriations and balances by controller, 6.312
Contracts, sufficient balances for, 7.100
Declaration of candidacy, 9.104
Employees, see Civil Service Appointments
Payrolls, 8.400
Prior certification being valid, 2.306
Purchase orders, sufficient balances for, 7.100
Streets, city engineer's certificate as to, 7.601
Surplus property purchases, funds for, 7.101

CERTIFIED PUBLIC ACCOUNTANT

Controller's books audited by, 3.305

CHANNEL OF AUTHORITY

Duty to follow, 2.401, 3.101

CHARITY

City receiving property for, 1.101

SAN FRANCISCO CHARTER

CHARTER

Administration in accordance with, necessity of, 2.401, 3.101
Adoption declared, 10.102
Amendment —
 petitions, filing and delivering, 9.109, 9.112
 propositions, cost statement by controller, 9.112
Captions, significance of, 10.101
Constitutionality, 10.102
Continuity of rights, powers and duties, 11.100-11.104
Defined, 10.100
Digest of decisions in publication of, 2.306
Effective date, 11.103
Headings, significance of, 10.101
Initiative ordinances in publication of, 2.306
Legislative declaration as to, 10.102
Publication of, 2.306, 10.100
Public works procedure governed by, 7.600
Ratification declared, 10.102
Saving clause, 10.102
State law as controlling in absence of provision, 1.102
Unconstitutionality of portions, effect of, 10.102
Zoning provisions affected by new comprehensive ordinance, 7.501

CHIEF ADMINISTRATIVE OFFICER

Abolishment of departments recommended by, 2.101
Administration, responsibility for, 3.201, 3.510
Advisory boards appointed by, 3.201
Allocation of functions among departments, 3.201, 3.510
Appointees as department heads, 3.201, 3.501, 3.510
Appointing officer for California Academy of Sciences, as, 3.640
Appointment of, 3.201
 approval, 3.200
 assistant director of public health, 3.510
Board members appointed by, 3.201
Board of supervisors —
 removal by, 3.200
 responsibility to, 3.201
 voice in, 3.201
Budget estimates required from departments, 6.200
City officer, status as, 1.103
Combination of department functions by, 3.501

Confirmation of appointment, 3.200
Continuance of powers and duties of, 11.102
Contracts for expenditures approved by, 7.100, 7.200
Control of department by, 3.201
Controller's reports sent to, 3.302
County office not mentioned in charter, designating officer for, 3.201
Creation of departments as recommended by, 2.101
Dealing solely with, 3.101
Department affairs, power to investigate, 2.401
Department head, as, 3.501
 appointment of, 3.201
 responsibility, 3.501
Director of health appointed by, 3.510
Director of public works appointed by, 3.510
Discussions before board of supervisors, 3.201
Emergency reserve fund appropriations approved by, 6.307
Finance and records director appointed by, 3.510
First appointment, 3.200
Health advisory board appointed by, 3.510
Hearing for removal of, 3.200
Interference with, prohibited, 2.401, 3.101
Investigation of department affairs, power as to, 3.701
Joint approval as to contracts with purchaser of supplies, 7.200
Mayor —
 appointing, 3.200
 responsibility to, 3.201
 successor to office of, in case of disaster, 3.100
Officer of city, status as, 1.103
Planning Commission, ex-officio member of, 3.521
Public health director appointed by, 3.510
Public works costs reported to, 7.200
Purchase orders over \$2,000 approved by, 7.100
Purchaser of supplies appointed by, 3.510
Qualifications of, 3.201
Recall of, procedure for, 9.108
Recommendations by, 3.201
Recorder functioning as registrar of voters, designation of, 3.201
Reports to board of supervisors, 3.201
Resident of state, as, 3.200
Rules and regulations by, 3.201

INDEX

CHIEF ADMIN. OFFICER— Cont'd

Special assessment project bonds recommended by, 7.603
Supervision of department by, 3.201
Traffic control coordination by, 3.201
Transfer of department functions by, 3.201
Unencumbered balances transfers recommended by, 6.305

CHIEF EXECUTIVE

City officer, status as, 1.103
Dealing solely through, 2.401, 3.101
Director of Social Services as, 3.571
Librarian as, 3.561
Mayor as, 3.100
Officer of city, status as, 1.103
Recreation department, general manager as, 3.551

CHIEF OF POLICE

see **Police Department**

CHIEF PROBATION OFFICER OF JUVENILE COURT

Appointment, removal, powers, salary, etc., 4.105

CITIZENSHIP

Employees required to have, 8.100
Officers required to have, 8.100
Public works contract, workers under, 7.204

CITY AND COUNTY

Definitions under social security coverage provisions, 8.514
Generally, see **San Francisco**
Rights and Powers, San Francisco having, 1.101

CITY ATTORNEY

Actions, duties as to, 3.401
Advice, duty to give, 3.401
Airports commission, adviser to, 3.694
Appointment and removal of assistants and employees, 3.401
Assistants, 3.401
health service board, acting on, 3.680
Bureau of delinquent revenue collection duties, transfer of, 3.401
Civil service applicable to employees of, 3.406
Contracts, preparation of, 3.401
Dismissal of actions, limitation upon, 3.401, 9.100
Elective officer, as, 3.401, 9.100
Elector status of, 3.401
Entire time devoted to office, 3.401

Files, keeping of, 3.401

Health service board, membership on, 3.680

Initiative, referendum and recall statements prepared by, 9.113

Law practice qualification, 3.401

Military leave affecting employees of, 3.406

Municipal courts reports filed with, 4.101

Official bond of, 3.401

Official bonds approved by, 3.401

Opinion, duty to give, 3.401

Ordinances, preparation or approval by, 3.401

Port commission, advisor to, 3.585, 7.305

Qualifications of, generally, 3.401

Real property titles examined and approved by, 3.401

Representation of city and officers, 3.401

Retirement board membership of, 3.670

Salary of, 3.401

Term of, 9.100

CITY COLLEGE

see **Community College**

CITY ENGINEER

Appointment of, 3.510
Mains for sewers, water, gas, recommended by, 7.604
Powers as given by law, 3.510
Streets, certification as to, 7.601
Surveys, plats and certificates, powers as to, 3.510
Validity of acts, etc., as provided by general law, 3.510

CITY PLANNERS

Planning commission contracts with, 3.523

CITY PLANNING COMMISSION

Appeals from zoning change decisions by, 7.501
Appointment by mayor, 3.521
Approval, failure to act as, 7.501
Blighted areas project plans as considered by, 3.527
Capital improvement projects filed and reported, 6.202
Chief administrative officer as ex-officio member, 3.521
Compensation of members, 3.521
Contracts with architects, etc., 3.523
Director of planning appointed by, 3.522

SAN FRANCISCO CHARTER

CITY PLANNING COMM.—Cont'd

Ex-officio member of art commission, chairman as, 3.600
Housing project plans, recommendations on, 3.527
Licenses and permits approved by, 7.500
Master plan, see **Master Plan**
Mayor appointing members of, 3.521
Membership of, 3.521
Notice of zoning hearings as given by, 7.501
Ordinances submitted to, 3.527
Secretary appointed by, 3.523
Slum clearance project plans, recommendations on, 3.527
Subdivision plats, etc., recommendations upon, 3.527
Terms of office, 3.100, 3.521
Time limit for change action, 7.501
Zoning change hearings, 7.501

CITY PLANNING DEPARTMENT

Acquisitions, additional projects recommended by, 6.202
Additional capital improvements recommendations, 6.202
Advisory capacity, serving as, 3.529
Blighted areas project plans submitted to, 3.527
Budget estimates for improvement increases, reporting on, 6.200
Budget items reports by, 6.300
Capital improvement projects —
governing provisions as to, 3.528, 6.202
schedules filed with commission, 6.202
Commission, see **City Planning Commission**
Director, see **Director of Planning**
Establishment of, 3.520
Housing plans submitted to, 3.527
Information —
from, duty to furnish, 3.529
to, duty to furnish, 3.529
Master plan, see **Master Plan**
Ordinances affecting public ways and buildings, reporting on, 3.527
Personnel for, 3.520
Planning commission, see **City Planning Commission**
Powers necessary for functions, 3.529
Reports —
capital improvement program, time requirements, 6.202
public ways, buildings, etc., ordinances for acquisition, relocation, etc., 3.527

Resolutions affecting public ways and buildings, reporting on, 3.527
Slum clearance plans submitted to, 3.527
Subdivision plats, replats, project plans submitted to, 3.527
Zoning administration, in, see **Zoning**
Zoning administrator, 7.502

CITY SERVICES

Fees for, recommendations as to, 3.501

CIVIC AUDITORIUM

Director of property in charge of, 7.400
Real estate department as managing, 3.510

CIVIL SERVICE

Additional positions, creation of, 8.200
Adult probation officer employees continued under, 4.105
Air corps included for preference purpose, 8.324
Airport employees deemed under, 8.300
Appointments, see **Civil Service Appointments**
Appropriations for, 6.405
Attorneys included or excepted from, 3.401, 3.406, 8.300(a)(1)
Blind persons, provisions as to, 8.310(b)
Cafeteria employees subject to, 5.103
California academy employees as subject to, 3.640, 3.641
California palace employees deemed appointed under, 3.622
City attorney's employees subject to, 3.401
Classification, see **Classification of Employment**
Commission, see **Civil Service Commission**
Conflict of interest, 8.105
Creation of positions in, 8.200
Department heads subject to, 8.300
Director of social services excluded from, 3.571
Double employment deemed vacation of office, 8.300
Election personnel subject to, 9.102
Eligibles, see **Eligibles List**
Examination, see **Civil Service Examinations**
Exceptions and exemptions generally, 3.500, 8.300
meaning of, 10.102

INDEX

CIVIL SERVICE—Cont'd

Fitness as basis of appointment, 8.310(a)
Health service employees subject to, 8.420, 8.427
Inmate help excepted from, 8.300(a)(2)
Investigation of conduct of employees, 3.661
Legislature membership deemed vacation of office, 8.102
Library department subject to, 3.561
Merit as basis of appointment, 8.310(a)
M. H. de Young museum employees subject to, 3.632
Municipal court appointees subject to, 4.102
Other employemnt deemed vacation of office, 8.300
Outside employment excepted from, 8.300(a)(3)
Part-time services excepted from, 8.300(a)(2)
Physicians excepted from, 8.300(a)(1)
Planning commission secretary exempt from, 3.523
Political activity prohibited, 8.311
Positions —
 appropriation ordinances creating, 8.200
 changes of, 8.200
 creation of, 8.200
 designated, 8.200
 unemployment relief, for 8.333
Probation, see Civil Service Appointments
Probation personnel subject to, 4.105
Professional temporary services excepted from, 8.300
Records of service, 3.661
Recreation and park department rights in, 3.551
Rules for provisions of, 3.661
School positions as subject to, 5.101-5.103
State employment deemed vacation of office, 8.300(a)(5)
Student nurses excepted from, 8.300(a)(2)
Suspensions, 3.661, 8.342, 8.343
Tax levies for, 6.208, 6.400
Tests, see Civil Service Examinations
Transfers due to automation, 8.351
United States employment deemed vacation of office, 8.300 (a)(5)
Zoning administrator, appointed under, 7.502

CIVIL SERVICE APPOINTMENTS

Appeals by promotional appointees, 8.329, 8.340
Certification
 eligibles list, from, 8.329
 military service names reached during, 8.361
Citizenship requirement, 8.100
Dismissal during probation, 8.340
Duration probable, notice of, 8.329
Eligibles list, see Eligibles List
Emergency appointment —
 absence of eligibles as occasion for, 8.332
 no eligible list as occasion for, 8.332
 non-civil service, see Non-Civil Service Appointments
 unemployment relief, 8.333
Immediate service appointments for, 8.332
Inquiry as to termination during probation, 8.340
Limited tenure, see Limited Tenure Appointments
Merit and fitness as basis, 8.310
Military service, appointment after, 8.361
Notice to candidates as to character of, 8.329
Permanent —
 characteristics, notice of, 8.329
 recommendations by appointing officer, 8.329
Probations —
 competency reported before expiration, 8.340
 period, 8.340
 termination by appointing officer during, 8.340
 veterans required to serve, 8.361
Re-employment after layoff due to automation, 8.351
Re-instatement after appeals, 8.340, 8.341
Requisitions for, 8.329
Return to original position after termination of promotional appointment, 8.340
Salary payments upon reinstatement after appeal, 8.340
Seasonal character, notification of, 8.329
Sex disregarded, 8.329
Temporary appointments —
 absence of eligibles as occasion for, 8.332
 compensation, time limit upon, 8.332
 non-civil service, see Non-civil Service Appointments
 other eligibles list furnishing, 8.332

CIVIL SERV. APPT.—Cont'd

Temporary character, notification of, 8.329
Termination of during probation period, 8.329
Transfer due to automation, 8.351
Waiver of temporary or seasonal employment, 8.329

CIVIL SERVICE COMMISSION

Allocations by, 3.661
Appeals to, 8.341, 8.342
Authorization to live outside city is filed with, 8.100
Charges, notice of, 8.341
Class titles and numbers assigned by, use of, 3.661
Classifications by —
 places of employment, 3.661
 positions, 3.661
Continuance of incumbents in office, 3.660
Declaration of members, 3.661
Duty to provide qualified persons, 3.660
Eligible list determined by, 3.661
Employment and personnel department, as, 3.661
Errors in rating corrected by, 8.322
Establishment of, 3.660
Examinations controlled by, 8.321
Findings against employees, notification of, 8.341
Fitness as basis of appointment by, 3.661, 8.310(a)
Hearings —
 notice of, 8.341
 right to, 8.340
Inquiries as to termination during probation, 8.340
Investigation into conduct of appointees, 3.661(b)
Leaves of absence governed by, 8.360
Legal actions by, 3.661
Limited tenure appointment, function as to, 8.331
Mayor appointing, 3.660
Meetings as open to public, 3.660
Membership of, 3.660
Merit as basis of appointment by, 8.310
Need for positions indicated by, 8.200
Notices —
 affecting positions, 8.200
 charges against employees, 8.341
 Number of members, 3.660
 Oaths, declaration under, 3.660
 Ordinances affecting positions filed with, 8.200
Payroll approval by, 3.661

Personnel department, as, 3.661
Protests of examinations, action upon, 8.322
Qualified persons, duty of providing, 3.660
Recommendations as to salary standardization, 8.401
Removal of members, 3.660
Rules —
 adopted by, 3.661
 changes in, 3.661
Salaries of members, 3.660
Salary standardization, function in, 8.401
Schedule of compensations prepared by, 8.400 - 8.406
Surveys for salaries standardization, 8.400 - 8.405
Suspension of members, 8.107
Terminations during probation, inquiry as to, 8.340
Terms of office, 3.100, 3.660
Transfer of disabled, rules as to, 8.350
Unemployment emergency, powers as to exemption during, 8.333

CIVIL SERVICE EXAMINATIONS

Adequacy, commission as judge of, 8.321
Advertising of, 8.320
Appropriation for immediate examination, 8.332
Army, definition for veterans preference, 8.324
Blind persons qualifying for, 8.310
Changes barred after rating and identification, 8.322
Charge, given without, 8.321
Citizens having right to take, 8.320
Coast guard included for preference purpose, 8.324
Collusion prohibited, 8.325
Competitive tests required, 8.321
Completion after military service, 8.361
Defeat of right prohibited, 8.325
Disability transfers, promotional examinations for, 8.350
Disabled veterans, preference to, 8.324
Eligible list prepared after, 8.321
Emergency examination for permanent appointment list, 8.332
Entrance. veterans preference in, 8.324
Errors in rating, correction of, 8.323
Examination of papers open to public, 8.323
Exemptions during unemployment emergency, 8.333
Expediting, 8.322

INDEX

- CIVIL SERV. EXAMS—Cont'd**
Falseness prohibited, 8.325
Fees for examination of papers after, 8.323
Fire department applicants, requirements for, 8.320
Fire department, promotional examinations, 3.542
Fitness determined by, 3.661
Fraternal affiliation questions prohibited, 8.321
Fraud prohibited, 8.325
Identification of participants, changes barred after, 8.322
Immediate examination for permanent appointment list, 8.332
Inspection of papers permitted, 8.323
Interruption due to military service, effect of, 8.328
Laborers, standards for, 8.321
Marine corps definition for preference purpose, 8.324
Mechanical occupations applicants, qualifications of, 8.321
Meetings for consideration not open to public, 8.310
Merit and fitness established by, 3.661, 8.310
Military service —
 completion after, 8.361
 credit for, 8.324, 8.328
Navy, definition for preference purposes, 8.324
Notice of, 8.320
Obstructions prohibited, 8.325
Official rating key, adoption and use of, 8.322
Passing marks determined by commission, 8.321
Police department applicants, requirements of, 8.321
Political questions prohibited, 8.321
Probation, transferred employees, 8.351

Promotional examinations —
 competitive tests required, 8.326
 fire department, see **Fire Department**
 military leaves, after, see *infra*, **Substitute promotional examinations**
 notification of, 8.320
 others, after substitute promotional, 8.328
 police, see **Police Department**
 scope circular announcing ranks, 8.326
 substitute, two or more, 8.328
 persons required for, 8.321
 veterans right and preference, 8.324
 widows of veterans, preference, 8.324, 8.328
Protest of questions and answers, 8.322
Public inspection of papers, 8.323
Rating —
 inspection prior to, 8.322
 key, adoption and use of, 8.322
 protest and action prior to, 8.322
Re-examination of papers, 8.323
Religious questions prohibited, 8.324
Review of papers by participants, 8.322
Right to take, 8.320
Scoring, see **Rating, supra**
Secret information prohibited, 8.325
Security of material, provisions for, 8.322
Similar, after military leaves, 8.324
Single applicant, for, 8.321, 8.328
Special information prohibited, 8.325
Speeding up processing, 8.322
Substitute promotional examinations, 8.328
Tentative eligibles list, preparation of, 8.322

Tests —
 adequacy, commission as judge of, 8.321
 competitive tests required, 8.321
 nature of, 8.321
 practical in nature, 8.321
 two or more persons required for, 8.321
 war time appointments, for, 8.331
 "Time of war", for preference purposes, 8.324, 8.331
Transferred employees subject to new examination, 8.351
Unemployment emergency justifying exemptions from, 8.333
Veterans preference for exams, 8.324
War time appointment, tests for, 8.331
Widows of veterans, preference, 8.324

CLAIMS
Action by controller, 6.303
Adjustment, method prescribed by ordinances, 7.703
Audit, 6.303
Damage claims against city, procedure for, 7.703
Filing of, 7.703
Laws governing, 7.703
Limits on claims for damages, 7.703
Money claims, procedure for, 7.703
Procedure, 6.302, 6.303, 6.306
Warrants drawn by controller, 6.303

CLASSIFICATION OF EMPLOYMENT

Blind persons considered in, 8.310
Civil service commission establishing, 3.661
Class titles and numbers, use of, 3.661
Municipal railway standardized wages paid according to, 8.404
Outside of classification, prohibition as to holding, 3.661
Salaries and wages based on, 8.401
Temporary appointments outside of, 3.661

CLEARING HOUSE REPRESENTATIVE

Board of supervisors providing for, 6.309

CLERK OF BOARD OF SUPERVISORS

Appeals from zoning change decisions set by, 7.501
Appointing officer of personnel, clerk as, 2.203
Appointment of, 2.203
Appropriation items effective without mayor's approval, noting of, 2.302
Authority of, 2.203
Board of equalization, ex-officio clerk of, 2.203
Certification of ordinances and resolutions, 2.306
Charter amendment propositions filed with and delivered to controller, 9.112
Designation as clerk of board of supervisors, 2.203
Duties of, 2.203
Ex-officio clerk of board of equalization, 2.203
Failure of mayor to return measures, duty to note, 2.302
Files of ordinances and resolutions, responsibility for, 2.203
Index of ordinances and resolutions, responsibility for, 2.203
Initiative, referendum and recall measures filed with and submitted to controller, 9.112
Journal of proceedings kept by, 2.203
Office of board in charge of, 2.203
Ordinances creating or abolishing positions filed with civil service commission by, 8.200
Ordinances transmitted to mayor by, 2.302
Personnel in charge of, 2.203
Proposed ordinances for inspection in office of, 2.300

Recording of measures passed, 2.300
Records in charge of, 2.203
Resolutions transmitted to mayor by, 2.302
Responsibilities of, 2.203
Return of ordinances and resolutions to, 2.300
Transmittal of ordinances and resolutions to mayor by, 2.302

CLERK OF MUNICIPAL COURT

Appointment by judges, 4.102
City officer as, 1.103
Law library fee collection, 4.104
Report of court business submitted by, 4.101

COAST GUARD

Veterans preference in examinations, 8.324

CODIFICATION

Board of supervisors' power as to, 2.306
Certification of correctness, 2.306
Correctness as certified to, 2.306
Enforcement by ordinance, 2.306
Ordinances, codification of, 2.306
Prior codification being valid, 2.306

COLD STORAGE PLANTS

Port commission regulating, 3.581

COLLECTIVE BARGAINING AGREEMENTS

Salaries according to, see Salary Standardization
Vacation right affected by, 8.440

COLLUSION

Civil service examinations, prohibited, 8.325
Contracts with city, penalties for collusion as to, 7.206

COMBUSTIBLE MATERIALS

Fire marshal enforcing laws as to, 3.544

COMMERCE

Port commission regulating facilities used in, 3.581

COMMISSIONS

Additional powers conferred by supervisors, 2.101
Administrative heads of, 3.500, 3.501
Appointments to by mayor, 3.100
Art, see Art Commission
Attendance, compelling of, 3.500

INDEX

COMMISSIONS--Cont'd

Bequests, powers and duties as to, 3.500
Bonds of officers and employees of, 3.500
Budget estimates filed and acted upon, 6.200
Capital improvements, projects, reports and recommendations, 6.202
Charter, duty to follow in administration, 2.401, 3.101
Chief executive officer as officer of city, 1.103
City officers, members as, 1.103
Combination of department functions by, 3.501
Continuance of powers and duties of, 1.101, 11.102
Dealing solely through, 2.401, 3.101
Department affairs, power to investigate, 2.400, 3.701
Department head, chief executive, as, 3.501
Department heads responsible to, 3.501
Devises, powers and duties as to, 3.500
Duties of, generally, 3.500
Elector status required for appointment to, 8.100
Employment in firms regulated by, prohibited, 8.105
Gifts, duties as to, 3.500
Interference with prohibited, 2.401, 3.101
Investigation of department affairs, power of, 2.400, 3.701
Investment of trust funds by, 6.311
Library commission, 3.560
Majority vote, definition of, 3.500
Mayor having seat in, 3.100
Meetings of, generally, 3.500
Members as city officers, 1.103
Officers of city, members as, 1.103
Official bonds of officers and employees, 3.500
Port commission having powers and duties of, generally, 3.581
Powers of, generally, 3.500
Publication of rules and regulations of, 3.500
Qualification of appointees, generally, 8.100
Quorum, majority as being, 3.500
Record of meetings, 3.500
Residence required during term, 8.100
Retirement provisions, exclusion from, 8.500
Rules and regulations for, 3.500
Salaries recommendations by, 8.400

Salary standardization, exception from, 8.401
Secretaries of, 3.500
Special committees, provision for, 3.500
Special meetings of, 3.500
Standing committee, provision for, 3.500
Superintendents of, 3.500
Temporary transfers or loans approved by, 6.304
Transfer of department functions by, 3.501
Trustees of gifts for city, performance of, 3.500
Voting power of mayor in, 3.100

COMMUNITY COLLEGE DISTRICT

Board, 5.104
Employees, 5.101, 5.102
Funds, expenditure of, 5.101
Powers and duties, 5.101, 5.102
Superintendent, 5.102, 5.104

COMPENSATION

See Salaries and Wages

COMPENSATION EARNABLE

Death benefits consisting of, 8.509
Definition of, 8.509
Fire department "rates of compensation" as meaning, 8.405(c)
Police department compensation defined, 8.405(a)

COMPLAINTS AT LAW

Criminal, warrant and bond deputy drawing, 3.402
District attorney's duty to draw, 3.402

COMPROMISE AND SETTLEMENT

Method determined by ordinance, 7.703

CONCESSIONS

Airport property, 7.405

CONDEMNATION

Appraisals for acquisitions of property by, 7.400
Director of property assisting in proceedings, for, 7.400

CONFIRMATION

Remote interests, prior contracts by officers and employees having, 8.105

CONFLAGRATION

- Building removals for checking progress of, 3.547
- Hours of work during, 3.542

CONFLICTING INTERESTS

- Defined, 8.105
- Dismissal of officers and employees for, 8.105

CONSTITUTION

- Municipal court governed by, 4.100

CONTEMPT

- Investigation of departments, contempt of proceedings for, 3.701

CONTINGENT FUND

- Chief of police as having, 3.539

CONTRACTS

- Acceptance of work as provided by ordinance, 7.205
- Accounts showing amounts of, 6.302
- Act of god delaying performance, 7.203
- Allotments affecting controller's certification, 6.301
- Allowances for price of locally manufactured products, 7.204
- Average use record as basis for, 7.103
- Award of as provided by ordinance, 7.205
- Bids on, see Bids
- Bonds for performance as provided by ordinance, 7.203, 7.205
- Chief administrative officer approving over \$2,000, 7.100
- Citizenship of workers under public works contracts, 7.204
- City attorney's duty to prepare, 3.401
- Collusion, penalties for, 7.206
- Completion time as provision of, 7.203
- Construction contracts under \$5,000, power as to monetary limits, 7.201
- Construction projects over \$2,000 requiring, 7.200
- Continuance of rights and obligations, 11.100
- Controller to determine whether city works to be done under, 3.301
- Cost per unit contracts on public works, 7.203
- Department heads power to sign, 7.200
- Drafts prepared by city attorney, 3.401
- Extension of time for public works, 7.203

- Funds necessary, 7.100

- Gross price contracts on public works, 7.203
- Interest in as prohibited, 8.105
- Interference with prohibited, 2.401, 3.101
- Liquidated damages provisions in, 7.203
- Modification of works under, 7.203
- Ordinances, procedure established by, 7.205
- Personal services, payment for, 8.400
- Port commissioner as making, 3.581
- Preferences for locally manufactured goods, 7.204
- Preferential treatments, penalties as to, 7.206
- Preparation by city attorney, 3.401
- Progressive payment authorized, 7.202
- Public works under \$5,000, power as to monetary limits, 7.201
- Purchaser's record of average use as basis for, 7.103
- Purchases over \$1,000, 7.100
- \$2,000 purchases, 7.200
- Purchases (public works contracts) under \$5,000, 7.201
- Recreation and park facilities building contracts, award and administration, 3.552
- Requisitions as basis for, 7.103
- Security for performance as provided by ordinance, 7.205
- Splitting project to avoid making, official misconduct, 7.200
- Time limits for completion as fixed in, 7.203
- Time of completion as basis for awards, 7.203
- Unencumbered balances as requisite to making, 7.103
- Working hours under public works contracts, 7.204

CONTROLLER

- Accounts —
 - general supervision over, 3.301
 - keeping of, 3.301
- Allotments schedules by, 6.203
- Appointment by mayor, 3.300
- Appropriation —
 - monthly reports, 3.302
 - ordinance drafting, 6.205
- Audit of controller's books by certified public accountant, 3.305
- Auditor, as, 3.301
- Audits by, 3.303
- Bids, awarding where purchaser and department heads differ, 7.100

INDEX

CONTROLLER—Cont'd

Board of supervisors, report copies sent to, 3.302
Bond of, 8.101
Bonded indebtedness statement by, 9.112
Borrowing money as recommended by, 6.304
Budget estimate —
 blanks, furnishing of, 6.201
 estimates, checking of, 6.201
Capital improvement programs recommendations to, 6.202
Cash position reports of, 3.302
Certifications requisite to incurring obligations, 6.306
Charter amendment petitions delivered to, 9.112
Chief accounting officer, as, 3.301
Chief administrative officer, report copies sent to, 3.302
Claims audited by, 6.303
Clearing house representative recommended by, 6.309
Confirmation by board of supervisors, 3.300
Consolidation of budget estimates by, 6.200
County auditor, powers and duties of, 3.301
Damage claims presented to within 60 days, 7.703
Department affairs, power to investigate, 3.701
Department head, as, 3.501
Duties of county auditor, having, 3.301
Emergencies, reallocations to meet, 8.406
Expenditures accounts, appropriation ordinance as authority for, 6.300
Health service funds, powers as to, 8.420
Health service payments deducted by, 8.420
Health service transfers and contributions, functions as to, 8.428, 8.429
Initiative, referendum and recall, 9.108
cost statement as to, 9.112
petitions delivered to, 9.109, 9.112
Inter-departmental services, payment method prescribed, 6.305
Internal check systems devised by, 3.301
Investigation of department affairs, power of, 3.701
Investment of trust funds approved by, 6.311
Joint custody safe opened in presence of, 6.310

Legality check as to positions and rates, salary ordinance as legal base for, 6.207
Mayor appointing, 3.300
Monthly reports of, 3.302
Official bonds —
 amounts approval of, 3.500
 controller's bond, 8.101
 examination of, 3.304
Payrolls transmitted to, 8.400
Petty cash funds audited by, 6.308
Planning department reports received by, 3.527
Public works accounts reported to, 7.200
Quarterly reports for funds, 3.302
Reallocations of money to meet emergency, 8.406
Recall of, procedure for, 9.108
Record of items deposited with in joint custody safe, 6.310
Request, audit by, 3.303
Removal by supervisors, 3.300
Revenue accounts, appropriation ordinance as authority for, 6.203
Revolving funds audited by, 3.303, 6.308
Safe, joint custody, opening of, 6.310
Salary of, 3.300, 8.401
Schedule of allotments by, 6.203
Surplus property purchased by, 7.101
Treasurer's accounts audited by, 3.303
Unit cost, duty to determine, 3.301
Warrants drawn for payment of claims, 6.303

CO-OPERATION

Traffic bureau and other departments and agencies, 3.538

CORONER'S OFFICE

City officer, coroner as, 1.103
Generally, 3.510
Officer of city, coroner as, 1.103
Personnel included in, 3.510

COST

Annual report of departments to mayor, 3.500
Examination as to department cost, 2.400, 3.701

COUNTY

Rights and powers, San Francisco having, 1.101

COUNTY AGRICULTURAL DEPT.

Administration of, 3.510
State law functions included in, 3.510

COUNTY CLERK

Bond of, 8.101
City officer, status as, 1.103
Finance and records department, inclusion in, 3.510
Law library fees, collection of, 4.104
Misconduct in office, 8.105, 8.106
Officer of city, status as, 1.103
Suspension and removal, 8.107

COUNTY OFFICERS

See also: **Elective Officers**
Absence from state, 8.102
Bond, 8.101
Elective, 9.100
Misconduct in office, 8.105, 8.107
Powers and duties, 3.700, 3.701
Vacancy, 8.104
Who are, 1.103

COUNTY OFFICES UNDESIGNATED

Officer appointed for, 3.201

COURTS

City and county as party, 1.101
Municipal, see **Municipal Courts**
Superior, see **Superior Courts**

CRIMES

Appointees, removal on conviction, 8.107
Arrest warrants issued by district attorney, 3.402
Discharge of person accused of, 3.402
District attorney prosecuting, 3.402
Investigation and detection, fund for, 3.539
Licenses and permits for business affecting conditions, 3.537
Misdemeanor, see **Misdemeanors**
Money for investigation and detection, 3.539
Removal upon conviction of, 8.107
Retirement benefits, conviction as affecting right to, 8.509

CULTURAL FACILITIES

Appropriation, 6.404

CUSTODY OF MONEYS AND SECURITIES

Generally, 6.310

D

DAMAGES

Claims against the city and county for, 7.703

DAYS OFF

Bus operators, 8.450
Fire department members entitled to, 8.452
Platform employees, 8.450
Police department, 8.451

DEATH

Audit of accounts upon, 3.303
Firemen, injury, see **Death From Injury (Police or Fire Duty)**
Natural death of policemen and firemen, benefits upon, 8.548, 8.552, 8.572, 8.576
Policemen, injury, see **Death from Injury (Police or Fire Duty)**
Vacancy in office by, 8.104

DEATH BENEFITS

Fire department, death after retirement, 8.565, 8.566
Increase for persons retired prior to July 1, 1967, 8.526
Police department, death after retirement, 8.540, 8.542, 8.552

DEATH FROM INJURY (Police or Fire Duty)

Children entitled to allowance, 8.548, 8.572
Death allowance —
amount of, 8.548, 8.572
children receiving, 8.548, 8.572
retired person, death of, 8.548, 8.572
workmen's compensation as reducing, 8.548, 8.572
Fire department member —
child taking pension on widow's death, 8.565
no widow, children's benefits in event of, 8.565
parents' pension where no widow, no children, 8.565
sickness caused by duty, death from, 8.565
widow's pension, 8.565
Marriage on date required for widow's allowance, 8.548, 8.572
Outside of city, retirement provisions covering, 8.545, 8.560, 8.569
Parents, death allowance to, 8.548, 8.572
Police member —
child taking pension on widow's death, 8.540
death within three years, 8.540
life, pension during as no bar to family benefits, 8.540

INDEX

DEATH FROM INJURY—Cont'd

- Police Member—
 - no widow, children's benefits in event of, 8.540
 - parents' pension where no widow, no children, 8.540
 - widow's pension, 8.540
- Prior retirement affecting allowance, 8.548, 8.572
- Retired person, death allowance, 8.548, 8.572
- Retirement system applicable to, 8.560
- Widow's allowance, marriage on injury date required, 8.548, 8.572

DEBT

- Budget submission including statement of, 7.200

DEBT LIMIT

- Bonded, see Bonded Indebtedness

DEFINITIONS

- City and county, 8.514
- Compensation (municipal railway employees), 8.404
- Interest in contracts, sales, etc., 8.105
- Remote interest, 8.105
- Wage schedule or schedules (municipal railway employees), 8.404

DELINQUENCIES

- Assessment delinquencies notified to tax collector, 7.600

DENTIST

- Health advisory board, membership, 3.510

DEPARTMENT CHIEF EXECUTIVES

- Department heads, as, 3.501

DEPARTMENT HEADS

- Annual reports, duty to make, 3.402
- Appointive heads responsible to chief administrative officer, 3.501, 3.701
- Appointment by chief administrative officer, 3.201
- Bids rejected by, 7.200
- Checking of purchases, duty of, 3.501
- Chief administrative officer, responsibility to, 3.501
- City officer, status as, 1.103
- Combination of functions, recommendations as to, 3.501
- Creation of positions, recommendations as to, 3.501

- Elective officers having powers of, 3.501

- Estimates, duty to make, 3.501

- Fees for city services, recommendations as to, 3.501

- Interference with prohibited, 2.401, 3.101

- Officer of city, status as, 1.103

- Operations outside city, purchases made by, 7.100

- Orders, publication of, 3.500, 10.100

- Ordinances, recommendations as to, 3.501

- Powers of, generally, 3.501

- Purchases by, generally, 7.100

- Reduction in forces, power as to, 3.501

- Rejection of bids, 7.200

- Reports, duty to make, 3.501

- Requisitions for purchases, duty as to, 3.501

- Salaries and wages fixed by, 8.400 - 8.403

- Superintendent of schools having powers and duties of, 5.102

- Transfer of functions, recommendations as to, 3.501

- Utilities departments, appointment and removal, 3.593

DEPARTMENT OF CITY PLANNING

- See City Planning Department

DEPARTMENT OF ELECTRICITY

- Chief of department as administering, 3.510

- Functions included in, 3.510

- Personnel included in, 3.510

DEPARTMENT OF PROPERTY

- Director of property in charge of, 7.400

DEPARTMENT OF PUBLIC WORKS

- See Public Works Department

DEPARTMENT OF WEIGHTS AND MEASURES

- Sealer of weights functions included in, 3.510

DEPARTMENTAL REVOLVING FUND

- See Revolving Funds

DEPARTMENTS

- Abolishment of, 2.101

- Accounts investigation of, 3.701

- Agricultural, see County Agricultural Department

DEPARTMENTS—Cont'd

Allocation of functions among, 3.510
 Budget estimates required of, 6.200
 Combination of functions and duties, 3.501
 Continuance of powers and duties, 11.102
 Control by chief administrative officer, 3.201
 Co-operation between, enforced by mayor, 3.100
 Co-ordination by —
 chief administrative officer, 3.201
 mayor, 3.100
 Creation of, 2.101
 Department heads, see **Department Heads**
 Electricity, see **Department of Electricity**
 Functions, continuance of, 11.102
 Heads of, see **Department Heads**
 Health service system as, 8.420; and see **Health Service**
 Hearings as to affairs of, 3.701
 Inquiry as to affairs of, power as to, 3.701
 Interference with affairs of, prohibited, 2.401, 3.101
 Internal checks devised by controller, 3.301
 Mayor's duties to supervise, 3.100
 Non-interference in affairs of, 2.401, 3.101
 Number of classes of employment, determination of, 2.101
 Petty cash funds for, 6.308
 Positions, creating of, 8.200
 Public health, see **Public Health Department**
 Public works, see **Public Works Department**
 Purchasing, see **Purchasing Department**
 Real estate, see **Real Estate Department**
 Revolving funds for, 6.308
 Supervision —
 chief administrative officer, 3.201
 mayor, 3.100
 Transfer of function assigned, 3.501
 Weights and measures, see **Department of Weights and Measures**

DEPOSITS

Daily statements of, 6.311
 Duty of making, 6.311
 Health service contributions, with treasurer, 8.429
 Interest on as accruing to city, 6.311

Pension funds and securities as deposited, 6.311
 State law as governing, 6.311
 Transfers of moneys for at expense of depositary, 6.311

DEPUTIES

Adult probation officer deputies, 4.105
 Juvenile court probation officer, deputies of, 4.105
 Warrant and bond, 3.402

DESIGNS

Art commission approval, 3.601

DEVICES

See also: **Bequests; Gifts**
 Boards and commissions powers and duties as to, 3.500
 Palace of legion of honor, 3.621
 Receiving for city, 3.500
 Title as vesting in city, 3.500

DE YOUNG MUSEUM

See **M.H. de Young Memorial Museum**

DIRECTOR OF AIRPORTS

Appointment, etc., 3.693
 Powers, 3.693

DIRECTOR OF FINANCE AND RECORDS

Appointment of, 3.510
 Port commission, ex-officio member of, 3.582

DIRECTOR OF HEALTH

Administration of department by, 3.510
 assistant, appointment and responsibilities of, 3.510
 Advisory board consulting with, 3.510
 Chief administrative officer appointing, 3.510
 Health advisory board consulting with, 3.510
 Physician or surgeon, as, 3.510
 Public health department directed by, 3.510

DIRECTOR OF PLANNING

Appointive officer, as, 3.522
 Appointment by commission, 3.522
 Residence requirements as to, 3.522
 Training and experience required for, 3.522
 Zoning administrator reporting on ordinances, 7.502

INDEX

DIRECTOR OF PROPERTY

Acquisitions, appraisal for, 7.400
Civic auditorium in charge of, 7.400
Condemnation proceedings assisted by, 7.400
Department in charge of, 7.400
Departmental purchases or leases made through, 7.400
Eminent domain proceedings assisted by, 7.400
Exchange of property by, 7.401
Exposition auditorium in charge of, 7.400
Idle property, recommendations as to use of, 7.400
Leases of property by, 7.400, 7.402
Maps of property as kept by, 7.400
Negotiations for departmental purchases or leases made by, 7.401, 7.402
Purchases of real property in charge of, 7.401
Records of property as shown by, 7.400
Rents as collected by, 7.402
Report as to estimated values, 7.400
Sales of real property in charge of, 7.401
Trading of property by, 7.401
Unused property, recommendations as to, 7.400

DIRECTOR OF PUBLIC WORKS

Chief administrative officer appointing, 3.510
City engineer appointed by, 3.510
Data requested by supervisors, furnishing of, 3.510
Embankments on private property, correcting, 7.604
Examinations, plans and estimates for supervisors, 3.510
Excavations of private property, correcting, 7.604
Fences on private property, correcting, 7.604
Gas mains ordered by, 7.604
Information requested by supervisors, furnishing of, 3.510
Mains for sewers, water, gas, as ordered by, 7.604
Negligence as to sidewalks and streets defects, liability for injuries caused by, 7.605
Plans for construction, alterations, etc., duties as to, 3.545
Private property conditions, correcting, 7.604
Public works department administered by, 3.510

Reports by fire prevention bureau to, 3.545
Safety measures as to private property ordered by, 7.604
Salary of, 3.510
Sewer mains ordered by, 7.604
Sidewalk defect causing injuries, liability for, 7.605
Special assessment project bonds recommended by, 7.603
Spur tracks request referred to, 7.606
Street defect causing injuries, liability for, 7.605
Water mains ordered by, 7.604

DIRECTOR OF SOCIAL SERVICES

Appointment of, 3.571
Chief executive, director as, 3.571
Civil service, exclusion from, 3.571
Divisions established by, 3.571
Employees, hiring of, 3.573
Experience required for, 3.571
Rules and regulations enforced by, 3.571

DIRECTOR OF ZOO

Appointment and removal of, powers as to, 3.551
Continuance of incumbent in position, 3.551

DISABILITIES

Firemen, see Fire Department
Leaves, see Disability Leaves
Police, see Police Department
Retirement, see Retirement; Firemen's Retirement; Police Retirement

DISABILITY LEAVES

Accumulation of, 8.363
Authority for, 8.363

DISABILITY TRANSFERS

Promotional examinations for, 8.350(d)

DISABLED PERSONS

Salaries of disability transferees, 8.350(f)
Transfer of, see Transfer of Disabled Persons

DISASTERS

Continuation of government, powers as to, 2.101, 3.100

DISBURSEMENT

Warrants as means for, 6.311

SAN FRANCISCO CHARTER

DISCHARGE

Appeal bonds, upon, 3.402
Bail bonds, upon, 3.402

DISCHARGE OF EMPLOYEES

See Removal of Officers and Employees

DISCIPLINE OF OFFICERS AND EMPLOYEES

Civil service members, 8.341, 8.342
Department head appointing officer for, 3.501
Elective officers, employees of, 3.406
Fire department members, 8.343
Interference with, as prohibited, 2.401, 3.101
Police department members, 8.343
Removal, see Removal of Officers and Employees
Suspension, see Suspension of Officers and Employees

DISCLOSURE

Remote interest in contracts, sales, etc., 8.105

DISCOVERY AND INSPECTION

Investigation of department, power in, 2.400, 3.701

DISMISSAL OF EMPLOYEES

See Removal of Officers and Employees

DISORDERLY BUSINESSES

Revocation of permits for, 3.537

DISTRICT ATTORNEY

Appointments in office of, 3.402, 3.406
Assistant, 3.402, 3.406
Civil service applicable to employees of, 3.406
Complaints, drawing of, 3.402
Confidential secretary for, 3.406
Criminal cases, prosecution of, 3.402
Duties of, generally, 3.402
Elective officer, as, 3.402, 9.100
Expenses paid from special fund, 3.402
Investigators as subject to civil service, 3.406
Law practice as qualification, 3.402, 3.406
Municipal courts reports filed with, 4.101
Municipal election for, 9.100
Official bond of, 3.402, 8.101
Qualifications of, generally, 3.402

Removal from office of, 3.402

Requisitions upon, special fund, 3.402
Salary of, 3.402, 8.401

Secretary for, confidential, 3.406

Special fund of, 3.402

Term of, 9.100

Warrant and bond office, see Warrant and Bond Office

Warrants for arrest, duty to issue, 3.402

DISTURBANCE OF PEACE

Chief of police having sheriff powers during, 3.537

DIVISION OF FIRE PREVENTION AND INVESTIGATION

Bureaus comprising, see titles Bureau of Fire Investigation; Bureau of Fire Prevention and Public Safety
Chief of department, jurisdiction of, 3.545
Chief's rank established, 3.540
Salary of chief, 3.540, 8.405(c)

DOCKAGE

Rates, fixing, 3.581

DOCKING OF VESSELS

Port commission controlling, 3.581

DOCKS

Assigning use of, 3.581
Leases of, 3.581

DONATIONS

Investment of, 6.311
Power to city to receive, 1.101

DREDGING

Port commission as regulating, 3.581

DUTIES

Administrative code specifying, 2.307
Board of education, generally, 5.101
Boards, generally, 2.101, 3.500
City attorney, 3.401
City planning commission, generally, 3.521
Civil service commission, generally, 3.661
Commissions, generally, 2.101, 3.500
Continuation on in department, 11.102
County officers, generally, 3.700
Department heads, generally, 3.501
District attorney, generally, 3.402
Fire commission, generally, 3.540
Port commission, generally, 3.581
Port director's, generally, 3.581

INDEX

DUTIES—Cont'd

- Public utilities commission, 3.591
- Public utilities commission members, 3.591
- Retirement board, generally, 3.671

E

EARTHQUAKES

- Salary deductions during emergencies, 8.406

ECONOMIC CONDITIONS

- Salary deduction during emergencies in, 8.406

EDUCATION, BOARD OF

- See Board of Education

ELECTION

- Vacation, choice as to accumulation of, 8.440

ELECTIONS

- Alphabetical arrangement on ballots, 9.104
- Arguments, for and against, 9.112
- Assembly district arrangement of names, 9.104
- Ballots —
 - alphabetical arrangement of names, 9.104
 - assembly district arrangement on, 9.104
 - identical ballots printed, 9.104
 - incumbency of candidates indicated on, 9.104
 - name printed after nomination, 9.104
 - office of candidates indicated on, 9.104
 - order of names on, 9.104
 - profession of candidates indicated on, 9.104
 - rotation of candidates names on, 9.104
 - sample ballots to voters, 9.105
 - type size and face used, 9.104
 - vocation of candidates indicated on, 9.104
- Board of education, 5.100, 9.100
- Bond elections for public utilities on petition of electors, 7.303
- Bond issues for, 9.103
- Candidates —
 - alphabetical arrangement of names on ballots, 9.104
 - assembly district arrangement of names, 9.104

- incumbency indicated on ballots, 9.104
- name placed on ballot, 9.104
- occupation indicated on ballots, 9.104
- order of names on ballots, 9.104
- profession indicated on ballots, 9.104
- rotation of names on ballots, 9.104
- vocation indicated on ballots, 9.104

Canvasses —

- generally, 2.101
- state law as governing, 9.103
- Capital improvement project, bond election, 7.304

Certificate of election as subject to state law, 9.107

Certificate of sponsors —

- defect, effect of, 9.104
- filed with registrar, 9.104
- mailing to voters, 9.105
- preservation for four years, 9.104
- refusal of registrar to file, 9.104
- Community college board, 5.104
- Declaration of election as subject to state law, 9.107
- Defects not invalidating, 9.115

Election officers —

- clerks, 9.106
- inspector, 9.106
- judge, 9.106
- pay withheld for violations, 9.106
- voting machine, officers when used, 9.106

Fee of candidates paid to registrar, 9.104

General elections —

- officers chosen at, 9.100, 9.103
- time for, 9.103

Health service board membership, 3.680

Identical ballots printed, 9.105

Incumbents names on ballots, 9.104

Informalities not invalidating, 9.115

Initiative, see Initiative, Referendum and Recall

Management vested in registrar, 9.102

Material to voters, 9.104, 9.105, 9.112

Municipal —

- general, see *supra*, General Elections
- special, see *infra*, Special Election

Names of candidates on ballots, 9.104

Nomination of candidates —

- certification of declarations, 9.104
- declaration of candidacy filed with registrar, 9.104
- fee paid to registrar, 9.104
- refusal of registrar to act, reason for, 9.104
- sponsors certificates, 9.104
- statement of qualifications, 9.104
- Officers chosen by, 9.104

ELECTIONS—Cont'd

Officers for —
 generally, 9.106
 Order of names on ballots, 9.104
 Petitions, 9.109
 Petitions for special elections, 9.103
 Policy declarations for, 9.103
 Polling places, publication by posting only, 9.103
 Precinct board of election officers for, 9.106
 Precincts —
 board of election officers for, 9.106
 publication by posting only, 9.103
 registrar establishing, 9.102
 Prohibited practices as to, 8.105
 Publication of precinct and polling places by posting only, 9.103
 Recall, see Initiative, Referendum and Recall
 Referendum, see Initiative, Referendum and Recall
 Refusal of registrar in nomination proceedings, reasons for, 9.104
 Registrar of voters, see Registrar of Voters
 Registration of voters —
 registrar controlling, 9.102
 state laws applicable, 9.103
 Rejection of unsolicited sponsor, 9.104
 Rotation of candidates names on ballots, 9.105
 Sample ballots mailed to voters, 9.105
 Special elections —
 board of supervisors calling, 9.103
 bonds issue, for, 9.103
 fund for initiative and recall elections, 9.110
 initiative, referendum, recall petitions filed for, 9.103, 9.109
 officers chosen at, 9.103
 petitions for, 9.103
 policy declaration, for, 9.103
 recall, time for, 9.111
 registrar as calling, 9.103
 supervisors calling, 9.103
 Sponsors of candidates —
 certificate of, 9.104
 names mailed to voters, 9.105
 rejection of unsolicited sponsor, right to, 9.104
 State law as applicable to, 9.103
 Statement of candidates qualifications, 9.104
 mailing to voters, 9.105
 Substantial compliance with charter required, 9.115
 Tax levy maximum as excluding cost of, 6.400(a)

Time, general elections, 9.103, 9.182
 Type size and face on ballots, 9.104
 Withdrawal of candidate, 9.104

ELECTIVE OFFICERS

See also: County Officers
 Age of retirement, 8.502
 Assessor, as, 3.400, 9.100
 Assistants of, generally, 3.406
 Board of education, 5.100, 9.100
 Candidacy as forfeiture of appointive office, 9.100
 City attorney, as, 3.401, 9.100
 Community college board, 5.104
 Crimes, removal upon conviction of, 8.107
 Dealing solely through, 2.401, 3.101
 District attorney as, 3.402, 9.100
 Election of, see Elections
 Employees of, generally, 3.406
 Judges of municipal court as, 9.100
 Mayor as, 3.100, 9.100
 Municipal court judges as, 9.100
 Nomination of, see Elections
 Public defender as, 3.403, 9.100
 Recall, procedure for, 9.108
 Removal of, 8.107
 Residence during term, 8.100
 Retired persons excluded as, 8.509, 8.511, 8.557, 8.581
 Retirement system membership, 8.502
 Salary standardization, subject to, 8.401
 Sheriff as, 3.404, 9.100
 Supervisors as, 2.100, 9.100
 Suspension of, 8.107
 Treasurer as, 3.405, 9.100

ELECTIVE OFFICES

MADE APPOINTIVE

Civil service as applying to, 8.300(a)
 Incumbent as subject to civil service, 8.300(a)

ELECTORS

Appointments restricted to, 8.100
 Board of permit appeals members as being, 3.650
 Candidacy restricted to, 8.100

ELECTRICITY

Department, see Department of Electricity

ELIGIBLES LIST

Alteration upon re-examination of papers, 8.323
 Appointment from, see Civil Service Appointment

INDEX

ELIGIBLES LIST — Cont'd

Arrangement in order of excellence, 8.323
Automatic expiration of, 8.330
Cancellation of veterans preference credits on, 8.324
Certification from, 8.329
Changes upon re-examination of papers, 8.323
Concealment causing removal from, 8.325
Correction on re-examination of papers, 8.325
Determination by commission, 8.321
Disabled veterans preferred on, 8.324
Emergency examinations for permanent appointment list, 8.332
Examination papers inspected prior to approval of, 8.323
Final approval of, time for, 8.323
Fraudulent standing, removal for, 8.325
Highest names certified, 8.329
Immediate examination for permanent appointments list, 8.332
Inspection of examination papers prior to approval, 8.323
Military leaves examinees included upon, 8.328
Military services —
 affecting standing on, 8.328, 8.360
 reaching of names during, 8.328, 8.360
Part-time employees positions filled from, 8.300
Preference for appointments after military service, 8.324, 8.328, 8.360
Preparation after civil service examinations, 8.321, 8.322
Probationary employee, reinstatement on termination of employment of, 8.329
Removal of names, 8.330
Return to after termination during probationary period, 8.340
Rules violations causing removal, 8.325
Substitute promotional examinees included in, 8.328
Supplemental appropriations for during war time, 8.331
Temporary appointments from, 8.332
Veterans preference on, 8.324, 8.328
Violations of rules causing removal, 8.325
War time maintenance of, 8.331

EMERGENCIES

Actual existence required for legislation, 2.301
Allotments to departments for, 6.301
Anticipation of, studies and surveys in, 3.100
Appointments, see Non-Civil Service Appointments
Board of supervisors, declaration by, 8.406
Civil service examination exemption during unemployment emergencies, 8.333
Continuance time anticipated, 8.406
Continuation of government during, 2.101, 3.100
Deductions in salary during, see Salary Deductions During Emergencies
Definition of, 2.301
Funds for, 6.307
Leaves of absence for national defense, 8.361
Maximum salary reductions during time of, 8.406
Mayor —
 power in case of, 3.100
Measures, see Emergency Ordinances
National —
 leaves of absence for, 8.361
 limited tenure appointments during, 8.331
 retirement credits affected by government service during, 7.603
 sea duty as licensed officers for, 8.361
Ordinances and resolutions, see Emergency Measures
Public works in expeditious manner during, 7.200
Purchases on informal bids, 7.100
Reallocation of moneys to meet, 8.406
Salary deduction during time of, 8.406
Specific statement required for legislation, 2.301
Street construction emergency work, 7.200
Unemployment, civil service examination exemption during, 8.332
United States, leaves of absence for service in, 8.361

EMERGENCY HOSPITALS

Assistant director of public health, responsibilities of, 3.510

EMERGENCY ORDINANCES

Actual emergency required for, 2.301
Declaration of emergency in specific section of, 2.301

SAN FRANCISCO CHARTER

EMERGENCY ORDINANCES —Cont'd

Definition of emergency required for, 2.301
Effective date of, 2.304
Initiative ordinance, restriction by, 2.301
Passage of, generally, 2.300
Publication of, 2.300, 2.308
 substitute newspaper, permitted when, 2.300
Readings, waiver of, 2.300
Reference to committee, waiver of, 2.300
Referendum ordinance, restriction by, 2.301
Restrictions on, 2.301
Specific voting on, requirement of, 2.301
Time for action by mayor on, 2.302

EMERGENCY RESERVE FUND

Appropriations for, 6.307
Balance carried forward, 6.307
Chief administrative officer approving appropriations from, 6.307
Creation of, 6.307
Maximum appropriation for, 6.307
Tax levies for, 6.307

EMINENT DOMAIN

Appraisals for acquisition of property by, 7.400
Departmental acquisition of property by, 7.400
Director of property assisting in proceedings, 7.400

EMPLOYEES

Airport, 8.300(h)
Bonds of, generally, 8.101
Citizenship requirement, 8.100
Compensations, continuance of, 11.102
Continuance of rights and liabilities of, 11.100
Continuance in positions, 11.102
Disability transfers, promotional examinations, 8.350
Discipline of, see **Discipline of Officers and Employees**
Elective officers, of, 3.406
Equipment. repair or replacement of, 8.411
Expenses, reimbursement, 8.410
Forfeiture of position upon candidacy, 9.100
Group bonding of, 8.101

Hours of work, 7.702
 fire department, 8.452
 municipal railway, 8.450
 police department, 8.451
Interest in city transactions prohibited, 8.105
Port Authority, retirement provisions, rights, etc., 3.583
Positions continued, 11.102
Private business or professional practice, restriction, 8.105
Probationary employees, 8.329
Promotional examinations for disability transfers, 8.350
Reimbursement —
 expenses, 8.410
 loss or injury to equipment, 8.411
 transfers, 8.350, 8.351
Removal of, see **Removal of Officers and Employees**
Residence during employment, 8.100
Resigned, definition for health service membership, 8.425
Rules and regulations for, 3.500
Suspension, see **Suspension of Officers and Employees**
Vacations, 8.440

ENCUMBRANCES

Allotments to departments as affecting controller's certification of, 6.301

EQUIPMENT

Employees' property lost or damaged in line of duty, repair or replacement, 8.411

ESTIMATES

Budget, see **Budget Estimates**
Department heads' duty to make, 3.501
Mayor's financial estimates to supervisors, 6.203
Revenue estimates by mayor to supervisors, 6.203

EVIDENCE

Additional evidence in removal proceedings, appeal, 8.341
Investigation compelling production of, 2.400, 3.701

EXAMINATIONS

Civil service, see **Civil Service Examinations**
Medical, see **Medical Examinations**

EXCAVATIONS

Port commission as regulating, 3.581

INDEX

EXCHANGES

- Real property exchange, 7.401
- Used materials exchanged, 7.100

EXEMPTIONS

- Harbor, bonded indebtedness limitations, exemption from, 3.582
- Port commission members, absence from State, provisions governing, 3.581

EXHIBITIONS

- Admission fees, permission to charge, 3.552
- Lease of stadiums and recreation fields for, 3.552, 7.403

EXPENDITURES

- Accounts and accounting procedure for, 3.301, 6.301
- Annual report to mayor, 3.500
- Appropriation and balances as prerequisite to obligations for, 6.302
- Appropriations for transfers as pursued in obligation for, 6.303
- Art and music advancement expenditures, control of, 3.601
- Balances and anticipated income governing, 6.302
- Budget estimates information furnished as to, 6.201
- Capital improvement projects authorized expenditures, 7.304
- Cash reserve fund for expenditures in anticipation of tax collections, 6.304
- Controller's quarterly report as to, 3.302
- District attorney's special fund, expenditures from, 3.402
- Examination as to department expenditures, 2.400, 3.701
- Port commission, powers, 7.305
- Quarterly report of controller as to, 3.302
- Report by department to mayor, 3.500

EXPENSES

- Cash reserve fund for expenses prior to tax collections, 6.304

EXPERT WITNESSES

- Retired persons serving as, 8.511

EXPLOSIVES

- Fire marshal enforcing laws as to, 3.544

EXPOSITION AUDITORIUM

- Real estate department as managing, 3.510

F

FEDERAL SOCIAL SECURITY

- See titles Retirement; Social Security Coverage

FEES

- California Academy of Sciences, admission fees, 6.411
- City services, for, 3.501
- Civil service examinations papers, fee for inspection, 8.323
- Harbor operation expenses, fees to pay, 3.581
- Law library fees, collection of, 4.104
- Licenses, fees for, 6.403
- Municipal court fees paid into treasury, 4.100
- Payment into treasury, duty of, 8.400
- Port commission as regulating and collecting, 3.581
- Public utilities commission obligated to pay, 3.591

FILING

- Budget estimates filed with controller, 6.200
- Capital improvement projects schedules, 6.202
- City attorney's papers, filing of, 3.401
- Claims for money or damages, 7.703
- Controller's reports, 3.302
- Vouchers accounting for expenditures from district attorney's special fund, 3.402

FINANCE AND RECORD DEPT.

- Administrator for, 3.510
- County clerk included in, 3.510
- Director, 3.510
- Public administrator included in, 3.510
- Registrar of voters included in, 3.510
- Tax collector functions and personnel included in, 3.510

FINANCIAL REPORTS

- Controller prescribing methods for, 3.301
- Controller's annual report, 3.302
- Quarterly report of controller, 3.302

**FIRE AND POLICE
DISCIPLINARY PROCEDURE**

Generally, 8.343

FIRE BOATS

Assignment to, after reassignment to fire department, 3.546

Conversion, reassignment of personnel due to, 3.546

Curtailment, reassignment of personnel due to, 3.546

Death on duty, see **Death from Injury on Police or Fire Duty**

Engineers —

rank established, 3.542

reassignment, 3.546

retirement members, as, 8.569

salary, 3.540, 8.405(c)

Firemen —

reassignment of, 3.546

retirement members, as, 8.569

salaries of, 3.540

Hours of work, limitation on, 8.452

Lay-offs of pilots and engineers upon curtailment or conversions, 3.546

Marine engineers —

rank established, 3.542

salary, 3.540, 8.405(c)

Outside of city, sending of, 8.405

Pilots —

rank established, 3.542

reassignment of, 3.546

retirement members, as, 8.569

salaries of, 3.540, 8.405(c)

Reappointments to, 3.546

Retirement benefits for personnel of, 3.546

Salaries of personnel, 3.540, 8.405(c)

Similar positions, assignment to, after reassignment, 3.546

FIRE CHIEF

Appointment, 3.540

Assistant, 3.543

Division of fire prevention and investigation, jurisdiction of, 3.545

Fire marshal, appointment of, 3.544

Power to remove structures, 3.547

Rank established, 3.542

Salary of, 3.540, 8.405(c)

Secretary —

appointment of, 3.543

rank established, 3.542

salary, 3.540, 8.405(c)

FIRE COMMISSION

Chief of department, see **Fire Chief**

Commissioners as successors in office, 3.540

Compensation of, 3.540, 8.405

Discipline hearings by, 8.343

Management of fire department by, 3.540

Mayor as appointing, 3.540

“Members of fire department” for purpose of salary adjustment as excluding, 8.405

Members, number of, 3.540

Permits, prescribing duties as to, 3.545

Powers and duties, generally, 3.540

Salaries of, 3.540, 8.405

Secretary of department, appointment of, 3.541

Term of office of, 3.541

FIRE DEPARTMENT

Adjustment in salaries and wages, 8.405

Age, uniformed force, applicants and appointees, 8.321

Apparatus inspector, see *infra*, **Inspector of Apparatus**

Applicants, qualifications of, 8.320

Assignments supervisor, see *infra*,

Supervisor of Assignments

Assistant chiefs —

rank established, 3.542

salary, 3.540, 8.405(c)

Battalion chiefs —

rank established, 3.542

salary, 3.540, 8.405(c)

Bureau of fire investigation, see

Bureau of Fire Investigation

Bureau of fire prevention, see **Bureau of Fire Prevention and Public Safety**

Captain —

battalion chief examination, eligibility, 3.542

fire prevention and public safety bureau, see **Bureau of Fire Prevention and Public Safety**

rank established, 3.542

salary, 3.540, 8.405(c)

Captains eligible for battalion chief examination, 8.327

Chief, division of prevention and investigation —

rank established, 3.542

salary, 3.540, 8.405(c)

Chief's operator —

rank established, 3.542

salary, 3.540, 8.405(c)

Citizenship of members, 8.100

Clean record, credit for, in examinations, 8.327

Commission, see **Fire Commission**

Compensations, generally, 8.405

Competitive examinations for fire prevention and fire investigation bureaus, 8.327

INDEX

FIRE DEPT. — Cont'd

Continuance of positions in, 3.542

Days off, 8.452

Death on duty, see **Death From Injury on Police or Fire Duty**

Deputy chief —

appointment of, 3.543

rank established, 3.542

salary, 3.540, 8.405(c)

Disabilities in line of duty —

city's payment for benefits, 8.571

leaves for, 8.363

medical treatment for, 8.515

reduction of benefits by amount of other benefits, 8.515

retirement board administering provisions as to, 8.515

workmen's compensation benefits, 8.515

Disciplinary procedure, 8.343

Division of fire prevention and investigation —

chief's rank established, 3.542

salary, 3.540, 8.405(c)

Drivers —

rank established, 3.542

salary, 3.540, 8.405(c)

Engineers —

rank established, 3.542

salary, 3.540, 8.405(c)

Examinations, 3.542, 8.321

Fire boats, see **Fire Boats**

Fire commission, see **Fire Commission**

Fire fighting, see **Fire Fighting**

Firemen —

generally, see **Firemen**

definition for salary adjustment, 8.405(c)

Heroic conduct, reward for, 8.327

Holidays for members of, 8.452

Holidays, working on, 3.540

Hosemen —

rank established, 3.542

salary, 3.540, 8.405(c)

Hours of work, limitation on, 8.452

Injury on duty, see **Death from Injury on Police or Fire Duty**

Inspector, fire prevention bureau —

rank established, 3.540, 3.542

salary, 3.540, 3.542, 8.405(c)

Inspector of apparatus —

rank established, 3.542

salary, 3.540, 8.405(c)

Investigation, see **infra, Prevention and Investigation**

Investigator, bureau of fire investigation —

rank established, 3.542

salary, 8.405

Lieutenant —

examination for, 8.327

fire investigation bureau, see **Bureau of Fire Investigation**

fire prevention and public safety bureau, see **Bureau of Fire Prevention and Public Safety**

rank established, 3.542

salary, 8.405

Marshal, see **Fire Marshal**

Medical treatment for disability, 8.515

Member of, for retirement purposes, 8.569

Meritorious conduct, reward for, 8.327

Military service of eligibles affecting appointments in, 8.324

Other cities, salaries fixed by survey of, 8.405

Outside of city, death or disability in service, retirement system covering, 8.560, 8.569

Overtime in —

generally, 8.452

Physical qualifications of applicants, 8.320

Physician for, 3.542

Positions as continuing, 3.542

Prevention and investigation —

bureau, see **Bureau of Fire Investigation; Bureau of Fire Prevention and Public Safety; Division of Fire Prevention and Investigation**

chief, rank and salary, 3.540, 8.405

Private activities, etc., of officers and employees restricted, 8.105

Promotions —

clean record considered, 8.327

examinations for, 8.327

meritorious service considered, 8.327

ranks from which made, 8.327

seniority of service considered, 8.327

Ranks, 3.542

Reappointments to fire boats, 3.546

Reassignment of fire boat personnel to, 3.546

Removal of structures, during fire, 3.547

Residence of members required, 8.100

Retirement, see **Firemen's Retirement Safety provisions, recommendations as to revising, 3.545**

Salaries and wages —

adjustment in accordance with surveys, 8.405

fire boat personnel reassigned, 3.546

generally, 8.405

FIRE DEPT. — Cont'd

Salaries and Wages—

- ordinance fixing in accordance with surveys, 8.405
- parity with police department, 8.405
- retirement contributions deducted from, 8.515
- standardization, exception from, 8.401
- workmen's compensation in lieu of, 8.515

Salvage corps, see Salvage Corps

Secretaries —

- appointment of, 3.541, 3.543
- rank established, 3.542
- salary, 8.405

Seniority of service —

- allowance in promotional exams, 8.327

fire boat personnel reassigned, 3.546

Service years, computation of, 3.542

Sick leaves for members, 8.363

Stokers, salaries of, 8.405

Supervisor of assignments —

- rank established, 3.542
- salary, 8.405

Surveys of other cities, salaries fixed in accordance with, 8.405

Tillermen —

- rank established, 3.542
- salary, 8.405

Tours of duty —

- continuance of, 3.540
- exchange permitted, 8.452
- generally, 8.452
- hours of work in fire department, limitation on, 8.452
- salvage corps members, 8.452

Transfers —

- disability, 8.350
- salvage corps, to, 8.452

Truckmen —

- rank established, 3.542
- salary, 8.405

Uniformed force, age of applicants and appointees, 8.320

Vacancies, fire boat personnel reassigned to, 3.546

Vacations 8.440

Watches, see supra, Tours of Duty

Work schedules, see supra, Tour of Duty

Workmen's compensation, entitlement to, 8.571

FIRE FIGHTING

Building removals for purpose, 3.547

FIRE INVESTIGATION

Bureau, see Bureau of Fire Investigation

FIRE MARSHAL

Appointment of, 3.544

Inflammable goods laws enforced by, 3.544

Salvaged property, sale of, 3.544

FIREMEN

Equipment or other personal property damaged or lost in line of duty, repair or replacement of, 8.411

Marine firemen, reassignment of, 3.546

Private employment and activities, rules and regulations against, 8.105

FIREMEN'S RETIREMENT

Actuarial equivalent retirement upon, 8.570

Adjustment of disability retirement allowance, 8.574

Adjustment of wages affecting, 8.405(c)

Age and service for —

- contributions as based on, 8.579
- entrance into department, determination of age, 8.579
- generally, 8.567, 8.570

55 years age —

- death allowance upon, 8.573
- less than, retirement upon, 8.567
- optional retirement upon, 8.565

20 years service—

- family benefits on death before retirement, 8.565

25 years service—

- natural death upon, 8.573
- retirement upon, 8.570

60 years age—

- amount of allowance for service prior to, 8.570
- disability retirement upon, 8.565
- retirement upon, 8.570

65 years age—

- allowance for service under 25 years, 8.570
- allowance upon, 8.570

67 years age—

- retirement upon, 8.570

70 years age—

- compulsory retirement upon, 8.567
- 10 years service—
- incapacity retirement upon, 8.571
- 20 years service—
- 55 years age, family benefits on death before retirement, 8.565
- 60 years age, retirement upon, 8.565

25 years service—

- actuarial value, allowance computed on, 8.570

INDEX

FIREMEN'S RETIREMENT—Cont'd

Age and Service for—
 allowance when retired regardless of age, 8.570
 death allowance upon, 8.573
 optional retirement upon, 8.565, 8.570
 30 years service—
 death allowance for, 8.573
 natural death, allowance upon, 8.573
 Allowances and benefits —
 adjustment in disability retirement allowances, 8.574
 after retirement, 8.565, 8.566
 amount of, 8.570
 beneficiaries designated, allowance to, 8.576
 beneficiary receiving contributions, 8.579
 benefits including, 8.569
 children's, see *infra*, Children's Benefits
 continuance —
 after January 8, 1932, 8.566
 after natural death, 8.573
 death benefits, see *infra*, Death Allowance and Benefits
 definition of, 8.569
 disabilities affecting, 8.571, 8.573, 8.574
 estate or beneficiaries receiving, 8.565, 8.566, 8.576
 gainful employment, reduction because of, 8.581
 illness from duty, effect of, 8.571
 increase in disability retirement allowance, 8.574
 limitation to charter provisions for, 8.565
 monthly payments, as, 8.569
 natural death, allowance on, 8.573
 parents, see *infra*, Parents' Allowances
 percentage allowed for prior service, 8.565
 prior service, for, 8.565
 reduction because of gainful employment, 8.581
 retirement allowance included in, 8.569
 termination of employment, refund upon, 8.577
 widows, see *infra*, Widow's Allowances
 workmen's compensation benefits reducing, 8.565, 8.575
 Appropriations for increase in disability retirement allowance, 8.574
 Benefits, 8.569, 8.573, 8.579, 8.581

Bodily injury, retirement for, 8.571
 Charter —
 definition of, 8.569
 generally, see *Charter*
 Children's benefits —
 continuance after January 8, 1932, 8.566
 death allowance, 8.565, 8.572
 election as to, 8.573
 natural death of member, 8.573
 no widow, pension in case of, 8.565
 option as to, 8.573
 retired member's death upon, 8.565
 widow's death, upon, 8.565
 City's contributions for, 8.579
 Compensation —
 city contributions based on, 8.579
 definition of, 8.569
 overtime excluded from, 8.569
 workmen's compensation distinguished from, 8.569
 Compensation earnable, definition of, 8.569
 Compulsory retirement at seventy, 8.567
 Continuance of benefits —
 after January 8, 1932, 8.566
 after natural death, 8.573
 Continuous service required for, 8.565, 8.567
 Contributions —
 accounts credited with, 8.579
 additional by city, 8.565
 adjustment personnel on transfers, 8.577
 age as basis of, 8.579
 beneficiary, payment to, 8.579
 city's —
 application of, 8.579
 disabled member, 8.515
 generally, 8.579
 installment payment of, 8.579
 members on January 8, 1932, 8.565
 continuing credit of contributions prior to July 1, 1945, 8.579
 deductions for, 8.579
 deficit, city's additional contributions for, 8.565
 dependent contributions, amount of, 8.579
 disability benefits deducted for, 8.515
 election as to membership after, 8.565
 end of employment, refund upon, 8.577
 estate payment to, 8.579
 increases in disability retirement allowances, for, 8.574
 interest considered in computing, 8.569
 July 1, 1945, continuing credit of, 8.579
 limitation upon, 8.565, 8.579

FIREMEN'S RETIREMENT—Cont'd

- Contributions—
 - normal rate as one-third of allowance, 8.579
 - other assets, in fund with, for joint participation, 8.579
 - prior contributions, pension from, 8.565
 - rate, determination of, 8.579
 - redeposit —
 - of refund, 8.577
 - to obtain credits, 8.578
 - refund—
 - dependent contributions, 8.579
 - end of employment or transfer, salary deduction for, 8.577, 8.579
 - total, with interest applied to allowances, 8.579
 - transfers, adjustment of accounts upon, 8.577
 - transfers of funds for increase in disability retirement allowances, 8.574
 - underwriters' Fire Patrol Employees, 8.562
- Death allowance and benefits —
 - beneficiaries, receiving, 8.576
 - definition of, 8.569
 - election as to, 8.570
 - estate or beneficiaries receiving, 8.576
 - family benefits, death before retirement, 8.565
 - monthly payments as, 8.569
 - natural death, 8.573
 - retirement with, 8.570
- Death on duty, see **Death From Injury on Police or Fire Duty**
- Deductions from salary for, 8.579
- Dependent contributions for, 8.579
- Disability —
 - actuarial equivalent, with death benefits, 8.570
 - adjustment of allowances, 8.574
 - allowance on retirement, 8.571
 - board considering retirement for, 8.571
 - continuance of allowance on death after retirement for, 8.573
 - credits for other service, 8.578
 - death due to, continuance of allowances, 8.573
 - determining percentage of, 8.571
 - end of, allowance ceasing, 8.571
 - increase in retirement allowance, 8.574
 - natural death after retirement for, 8.573
 - recommendations as to retirement upon, 8.571
 - recovery, end of pension upon, 8.565
 - restoration to service after, 8.565
 - retirement for, 8.571
 - return to service after, 8.571
 - sixty years age and twenty years service, 8.565
- Election as to children, parents', widow's allowances, 8.573
- Employment after, effect of, 8.581
- Estate —
 - allowable payable to, 8.565, 8.566, 8.576
 - total contributions paid to, 8.579
- Expert witness for city, serving after retirement, 8.511
- Family benefits, death before retirement, 8.565
- Final compensation, definition of, 8.569
- Fire boat personnel entitled to, 8.569
- Future members, retirement of, 8.567
- Gainful employment after, effect of, 8.581
- Hydrant-gateman as member for, 8.569
- Illness on duty, retirement for, 8.571
- Incapacitation, requirement for, 8.571
- Increase in disability retirement allowances, 8.574
- Injuries, retirement for, 8.571
- Installment payment of city's contributions, 8.579
- Interest, definition of, 8.569
- Joint participation, contributions held with other assets for, 8.579
- July 1, 1949, membership on or after, 8.568
- July 1, 1950, option as to membership after, 8.568
- Marine engineers as members for, 8.569
- Marriage necessary for widow's allowance, 8.573
- Member of fire department, definition of, 8.560, 8.569
- Membership —
 - after January 8, 1932, 8.567
 - definition of, 8.560, 8.569
 - July 1, 1949 and after, 8.568
 - July 1, 1950, options, 8.568
 - Military service, credit for, 8.568
- Options —
 - children's, widow's, parents' allowances, 8.573
 - July 1, 1950, membership after, 8.568

INDEX

BOARD OF SUPERV.—Cont'd

Options as to membership —
choice for member on January 8,
1932, 8.565
Option as to retirement —
service retirement, 8.565
55 years of age, 8.570
25 years service, 8.570
30 years service, 8.570
Other departments, credits for service
in, 8.578
Outside of city, service, 8.560
Overtime pay affecting, 3.540
Parents allowance —
continuance after January 8, 1932,
8.566
death allowance, 8.572
election as to, 8.573
natural death of member, 8.573
option as to, 8.573
Pension, see *supra*, Allowances and
Benefits
"Rates of compensation" for purposes
of, 8.405(c)
Ratios as to allowance, 8.570
Reduction of widow's, etc., allowance,
8.573
Reductions on account of workmen's
compensation, 8.565
Refund —
dependent contributions, 8.579
end of employment or transfer,
8.577
Retirement allowance, see *supra*,
Allowances and Benefits
Retired person, see *Retired Persons*
Retirement board —
generally, see *Retirement Board*
definition of, 8.569
Retirement system, definition of,
8.569
Right of retirement, 8.580
Salary deduction for, 8.579
Salvage corps members entitled to,
8.569
Service credits —
disability in line of duty, time credit-
ed, 8.515
military service, for, 8.578
other departments, service in, 8.578
police and fire service, 8.578
re-deposit of contributions to ob-
tain, 8.578
Service required for —
aggregate total service, 8.570
continuous service necessary, 8.567
generally, 8.567
years, see *supra*, *Age and Service for*
Sickness on duty, death from, 8.565

Social security coverage, exclusion
from, 8.514
Surviving wife, definition, 8.573
System, definition of, 8.569
Transfer of funds for increase in dis-
ability retirement allowances, 8.574
Underwriters' Fire Patrol employees,
status, 8.562
Widow allowances —
child taking on widow's death, 8.565
continuance after January 8, 1932,
8.566
contributions for, 8.579
death before retirement, 8.565
death for injury on duty, 8.565
election as to, 8.573
marriage at time of injury or illness,
8.572, 8.573
natural death of member, 8.573
option as to, 8.573
reduction due to death prior to qual-
ification for service retirement,
8.573
re-marriage, payment until, 8.572,
8.573
retired member, death of, 8.565
time of marriage required for, 8.573
Witness for city, service after retire-
ment, 8.511
Workmen's compensation payment af-
fecting, 8.575

FIRE PREVENTION AND INVESTIGATION

See *Bureau of Fire Investigation; Bu-
reau of Fire Prevention and Public
Safety; Division of Fire Prevention
and Investigation*
Inspections, 3.545

FIRE PROTECTION

Telephone system service for, 3.510

FIRE SAFETY STANDARDS

Plans for construction, etc., examina-
tion and approval of, 3.545

FIRES

Conflagrations, see *Conflagrations*
Salary deduction during emergencies
due to, 8.406

FISCAL YEAR

Beginning and ending date, 6.100
Emergencies not to be anticipated be-
yond, 8.406

FISHING

Port commission regulating facilities
used in, 3.581

FIXED CHARGES

Appropriation for as subject to administration by chief administrative officer, 6.203

FLAMMABLE LIQUID STORAGE

Fire inspections, 3.545

Plans for construction, etc., of facilities for, examination and approval of, 3.545

FLOODS

Salary deductions during emergencies due to, 8.406

FOOD INSPECTIONS

Fees for licenses as covering cost of, 6.403

Ordinance providing for, 6.403

FOREIGN TRADE ZONE

Bonded indebtedness authorized for, 3.597

Contracts for, operation of, etc., 3.581

Public utilities, as, 3.597

FORFEITURES

Avoidance of, upon abandonment of park and recreation lands, 7.403

FRANCHISES

Action postponed by mayor, 3.100

Effective date of ordinances granting public utility franchises, 2.304

Emergency legislation prohibited, 2.301

Interest by officers and employees prohibited, 8.105

Ordinances, effective date of, 9.108

Port commission, powers of, 3.581

Postponement of action by mayor, 3.100

Referendum as to granting of, 7.404

FUNCTION

Transference of person with, 1.101

FUNDS

Airport revenue fund, 6.408

Cash position as shown by controller's summaries, 3.302

Chief of police, contingent fund for, 3.539

District attorney's, 3.402

Emergency —
reallocation of funds to meet, 8.406

reserve fund, 6.307

General, see General Fund

Harbor revenues, 3.584

Health service system, creation of, 8.428

Interest funds, see Interest Funds

Interest on deposits as accruing to, 6.311

Law library, 4.104

Municipal railway employees, benefit fund, 8.404

Quarterly summaries for, 3.302

Reallocation of to meet emergency, 8.406

Recreation and park facilities, funds for, 3.552

Retirement funds, see Retirement Funds

Sinking, see Sinking Fund

Special elections, for initiative, referendum and recall, 9.110

Temporary transfers or loans as made from, 6.304

Unencumbered balances, transfers of, 6.305

Utilities reconstruction and replacement funds, 6.407

G

GAMES

Admission fees, permission to charge, 7.403

Lease of stadiums and recreation fields for, 7.403

GARAGES

Transfer to central garage, 7.100

Underground garages beneath parks and squares, 7.403(b)

GAS

Mains as ordered by director of public works, 7.604

GENERAL FUND

Balancing during emergencies by salary deductions, 8.406

Retirement system contributions charged to, 8.510

Utility surpluses transferred to, 6.407

GENERAL LAWS

Generally, see State Law

GENERAL MANAGER

Retirement board, 3.670

GENERAL OBLIGATION BONDS

Interest, 7.307

INDEX

GIFTS

See also: **Bequests ; Devises**
Boards and commissions powers as to, 3.500
California palace of legion of honor, generally, 3.621
Investment of, 6.311
M. H. de Young Museum, 3.631
Palace of legion of honor, 3.621
Power of city to receive, 1.101
Prohibited practises as to, 8.105
Receiving for city, 3.500
Title vesting in city, 3.500
Works of art. approval of, 3.601

GRANTS

Emergency measures prohibited, 2.301

GROUND

Art commission advice as to, 3.601
Buildings on —
 power to erect, 7.403
 use restricted to recreation, 7.403
Control management and direction by commission, 7.403
Leases of land, 7.403
War memorial, trustees in charge of, 3.610

H

HARBOR

Acceptance of properties by city, 3.582
Agreements relating to transfers to city, 3.582
Bonded indebtedness, exemption from limitations, 6.401
Commission, see **Port Commission**
Control, acceptance by city and county, 3.582
Employees, effect on, 3.583
Improvements, powers of port commission as to, 3.581
Jurisdiction, acceptance by city and county, 3.582
Leases of land, buildings, docks, and piers in, 3.581
Management by port director, 3.581
Port commission, management by, 3.581, 3.582, and see **Port Commission**
Property —
 acceptance of, 3.582
 possession and management, 3.581
Revenue bonds, 3.581, 6.406
Revenue funds, 3.581, 3.584, 6.406
Retirement, 8.505
Services, fees and schedule of fees for, 3.581
Transfer by state to city, 3.582

HARBOR REVENUE FUNDS

Generally, 3.581, 3.584

HASSLER HEALTH HOME

Assistant director of public health, responsibilities of, 3.510

HAZARDOUS OCCUPANCIES

Fire inspections, 3.545
Plans for altering, etc., examination and approval of, 3.545

HEALTH

Advisory board. see **Health Advisory Board**
Business affecting, licenses for, 7.704
Department of, see **Public Health Department**
Director, see **Director of Health Services**, see **Health Service**

HEALTH ADVISORY BOARD

Chief administrative officer as appointing, 3.510
Compensation, service of members without, 3.510
Creation of, 3.510
Dentists as members of, 3.510
Membership of, 3.510
Physicians as members of, 3.510
Recommendations on public health matters, 3.510
Reports on public health matters, 3.510
Terms of office of, 3.510

HEALTH OFFICER

Director of public health as having powers and duties of, 3.510

HEALTH SERVICE

Accounting system for funds, 8.429
Actuarial reports' prerequisite to approval of plans, 8.422
Adequacy of services and fees, annual review of, 8.423
Administration of —
 expenses of administration, city and school district contributions for, 8.428
 generally, 8.420
 power and duty of board as to, 3.681
Administrative expenses, contributions for, 8.428
Admissions to system, power of board as to, 3.681
Affidavits disclaiming benefits on religious grounds, 8.420

HEALTH SERVICE—Cont'd

Amounts of contributions, determining and certifying, 8.429
 Annual review of services and fees, 8.423
 Appropriations for —
 generally, 8.428
 prohibitions as to, 8.431
 Audit of funds, 8.429
 Board, see **Health Service Board**
 Changes in services, adoption and approval of, 8.423
 Charging of city and school district contributions, 8.428
 Charter provisions as applicable to, 8.427
 Choice as to physicians, etc., 8.426
 Civil service provisions applicable to employees, 8.427
 Claims, limitations as to, 8.431
 Compensation, see **infra**, **Fees and Compensation**
 Conflicts between board and director, avoidance of, 3.682
 Continuance —
 employees in positions, 8.427
 old plans pending new plans, 8.429
 Contracts for services —
 limitation as to, 8.426
 power and duty as to, 3.681
 Contributions —
 administrative expenses, 8.428
 amounts determined and certified, 8.429
 charging against funds, 8.428
 city contributions, 8.428, 8.431
 deductions for, 8.429
 deposit with treasurer, 8.429
 details stated in plans, 8.424
 limitation on city and school district contributions, 8.428, 8.431
 matching contributions by city and school district, 8.428
 members' contributions, 8.428
 monthly basis, on, 3.680, 8.428
 retired persons' contributions, 8.428
 school district contributions, 8.428, 8.431
 Costs —
 contributions, see **supra**, **Contributions**
 records and annual review of, 3.681
 sharing by employees, city, school district, 8.428
 Creation of system, 8.420
 Deceased employees' dependents, provisions for, 8.425
 Deductions for contributions, 8.429
 Deficits of prior systems, disposal of, 8.432

Dependents, provisions for, 8.425, 8.428
 Details as to benefits and contributions, plans required to state, 8.425
 Director, see **infra**, **Medical Director**
 Disbursements —
 audit, prerequisite, 8.429
 exclusively from fund, 8.431
 Disclaimer of benefits on religious grounds, 8.420
 Doctors, free choice as to, 8.426
 Effectuating of plans, duty as to, 3.681
 Emergency care in public facilities, 8.430
 Employees —
 civil service rights of, 8.427
 continuance in positions, 8.427
 resigned employees participating, 8.425
 retired employees participating, 8.425
 Exclusive contracts for services prohibited, 8.426
 Exemption from system —
 other medical care, for, 8.420
 religious reasons for, 8.420
 rules and regulations as to, power to make, 3.681
 salary limits as cause for, 8.420
 Expenses borne by fund, 8.431
 Favoritism prohibited, 3.681
 Fees and compensation —
 revision of, 8.423
 right to serve at uniform rates, 8.426
 uniform rates of, 8.426
 Former employees, provision for, 8.425
 Free choice of care, provision for, 8.426
 Funds —
 administration of, 8.429
 audits before disbursements, 8.429
 claims upon, limitation of, 8.431
 control of, 8.429
 creation of, 8.428
 deductions for, 8.429
 disbursements from, 8.429, 8.431
 expenses paid exclusively from, 8.431
 investment and control of, 8.429
 monthly payments to, 8.429
 use by board, power as to, 3.681
 Hearings for review of care and fee adequacy, 8.423
 Historical costs for medical and hospital care, keeping of and annual review, 3.681
 Hospitals —
 free choice as to, 8.426
 right to render services, 8.426

INDEX

HEALTH SERVICE—Cont'd

- Indemnity plans, power to adopt, 8.422
- Insurance plans, power to adopt, 8.422
- Matching contributions by city and school district, 8.428
- Medical advisor for executive officer, 3.682
- Medical care —
 - adequacy, review of, 8.423
 - choice as to physician, etc., 8.426
 - definition of, 8.430
 - emergency care in public facilities, 8.430
 - exclusive contracts prohibited, 8.426
 - free choice as to, 8.426
 - indemnity plans, power to adopt, 8.422
 - insurance plans, power to adopt, 8.422
 - professional conduct law governing, 8.430
 - public health facilities, use of, 8.430
 - revisions as to, 8.423
 - right to render at uniform rates, 8.426
- Medical director —
 - appointment of, 3.682
 - charter provisions as applicable to, 8.427
 - effectuation of plans through, 3.681, 3.682
 - executive officer with medical advisor as alternative to, 3.682
- Membership of system, 8.420
- Monthly payments to fund, 8.429
- Nurses —
 - free choice as to, 8.426
 - right to render services, 8.426
- Ordinance —
 - approval of plans by, 8.421, 8.422
 - power to enact, 8.424
 - revisions approved by, 8.423
- Parking authority employees as members of system, 8.420, 8.425, 8.428
- Participants specified, 8.425
- Pharmacists —
 - free choice as to, 8.426
 - right to render services, 8.426
- Physician —
 - definition of, 8.426
 - right to render services, 8.426
- Prayer healing adherents exempted, 8.420
- Prior system, expenses of, 8.432
- Professional conduct law governing, 8.430
- Public health facilities, use of, 8.430
- Rates of fees, see *supra*, Fees and Compensation
- Records and review of costs for services, 3.681
- Religious beliefs, exemption on ground of, 8.420
- Rescissions by new plans, continuance of old plans pending, 8.421
- Resigned employees, provisions for, 8.425, 8.428
- Retired persons, provisions for, 8.425, 8.428
- Retirement system members as eligible for membership, 8.420
 - clarity and completeness required, 3.682
 - making of, power as to, 3.681
 - services subject to, 8.426
- Revisions in services, adoption and approval of, 8.423
- Right to render services at uniform rates, 8.426
- Rules and regulations —
 - clarity and completeness required, 3.682
 - making of, power as to, 3.681
 - services subject to, 8.426
- Salaries —
 - deductions for contributions, 8.429
 - limits as basis for exemptions, 8.420
- School district employees as members, 8.420, 8.425
- Sheriff's office personnel, provisions for membership, 8.507
- Special privilege prohibited, 3.681
- Specific provisions, plans required to state, 8.424
- Standards of services, 8.430
- State teachers retirement system, eligibility after transfer to, 8.425
- Superseding plans, continuance of old plans pending, 8.421
- Surpluses of previous system, disposal of, 8.432
- Teachers, provisions for, 8.420, 8.425, 8.428
- Temporary employees, provisions for, 8.425
- Time limits for action —
 - health service board administration matters, 3.681
- Uniform rates, right to serve at, 8.426
- Voluntary membership, power of board as to, 3.681
- Writing required for matters submitted to board, 3.681

HEALTH SERVICE BOARD

- Adequacy of care and fees reviewed by, 8.423
- Administration of system by, 3.681, 3.682, 8.420
- Admissions to systems, power as to, 3.681
- Affidavits of disclaimer filed with, 8.420

SAN FRANCISCO CITY CHARTER

HEALTH SERVICE BOARD—Cont'd

Appeal board of, activities as confined to, 3.682
Appointment to by mayor, 3.680
Assistant acting for city attorney, 3.680
Ballots for electing members, 3.680
Bond, official, of members, 3.680
Charter provisions as applicable to, 8.427
City attorney as member of, 3.680
Conflicts between board and director, avoidance of, 3.682
Contract power of, 3.681
Disclaimers filed with, 8.420
Doctor of medicine as member, 3.680
Duties and powers, generally, 3.681
Duty to adopt plans, 8.422
Elected membership of, 3.680
Exemptions, power to grant, 3.681
Finance committee chairman as member of, 3.680
Fund administered and invested by, 8.429
Hearings as to adequacy of care and fees conducted by, 8.423
Indemnification plan, power to adopt, 8.422
Insurance official as member, 3.680
Insurance plan, power to adopt, 8.422
Mayor's appointments to, 3.680
Medical care plans, power to adopt, 8.422
Medical director appointed by, 3.682
Membership of, 3.680
Nominations for election to, 3.680
Official bond of members, 3.680
Policy matters, activities confined to, 3.682
Powers and duties, generally, 3.681
Power to adopt plans, 8.422
Rules and regulations, power as to, 3.681
Submission of matters to, 3.681
Terms of office of, 3.680
Vacancies in office, filling of, 3.680
Written requests to, action on, 3.681

HEALTH SERVICE SYSTEM

Administration of, 3.681, 8.420
Admissions, 3.681, 8.420, 8.425
Charter provisions apply to, 8.427
Contributions, 8.428, 8.429
Established, 8.420
Exempt, who are, 3.681, 8.420
Fund, 8.428
contributions, 8.428, 8.429
"Medical care" defined, 8.430

Members, 8.420, 8.425
claims by, limitation, 8.431
dependents, 8.425
retired employees, 8.425
temporary employees, 8.425
Plans, adoption of, 3.682, 8.422, 8.424
continuation of existing, 8.421
Schedules and compensation, revision of, 8.423

HEARINGS

Abandonment of street railways as subject to, 3.595
Adoption of proposed budget after, 6.203
Appeals —
license and permits cases, 3.650
zoning change decisions, 7.501
Appropriation ordinance as proposed, 6.203
Budget estimates, mayor holding hearings on, 6.100
Chief administrative officer, hearing for removal of, 3.200
Departmental affairs subject to, 2.400, 3.701
Fees for medical care reviewed by, 8.420, 8.423
Fire and police disciplinary procedure, 8.343
Health service, review of adequacy of, 8.423
Investigation of departments, hearings of, 2.400, 3.701
License and permit appeals, 3.650
Master plan amendment, hearings as to, 3.522
Medical care adequacy reviewed at, 8.420, 8.423
Offices, hearings on conduct of, 2.400, 3.701
Patrol special police officers suspended or dismissed on, 3.536
Permit appeals, 3.650
Power not restricted, 2.401, 3.101, 3.500
Proposed budget —
adopted after hearing, 6.203
hearing date fixed, 6.203
Public hearing of charges against employees, 8.341
Removal of officers, hearing for, 8.107, 8.341
Superintendent of schools, removal of, 5.102
Suspension of employees, hearings as to, 8.341, 8.343
Teachers, hearing for removal, 5.101
Time limit for zoning change appeals, 7.501

INDEX

HEALTH SERV. SYSTEM—Cont'd

- Utilities rates changes subject to, 3.598
- Welfare commission removal proceedings, 3.570
- Zoning —
 - changes, hearings as to, 7.501
 - ordinance hearings, 7.501
 - variance hearings, 7.503

HEROIC CONDUCT

- Fire department reward for, 3.540
- Police department reward for, 8.405

HETCH-HETCHY PROJECT

- Public utilities commission, department under, 3.592

HIGHWAYS

- See Streets and Highways

HOLIDAYS

- Fire department members, 8.450
- Municipal railway platform employees and operators, overtime for, 8.450
- Police department members entitled to, 8.451
- Vacation, pay for, 8.403, 8.404, 8.440
- Vacation period, effect on, 8.440

HORTICULTURAL COMMISSIONER

- City officer, status as, 1.103

HOSPITALS

- Administrator of San Francisco General Hospital, appointment of, 3.510
- Assistant director of public health, responsibilities of, 3.510
- Emergency hospitals, responsibilities of assistant director of health, 3.510
- Fire inspections, 3.545
- Plans for altering, etc., examination and approval of, 3.545
- San Francisco General Hospital, see San Francisco General Hospital

HOURS OF WORK

- Fire department, 8.452
- Municipal railway, 8.450
- Police department, 8.451

HOUSING

- Project plans, reports, 3.527
- Publicly-assisted private housing, project plans, reports, 3.527

HOUSING CODE

- Fire safety provisions, recommendations as to revising, 3.545

I

IMPROVEMENTS

- See Public Works and Improvements

INCREASES

- Retirement, see Retirement

INDEXES

- Ordinances, indexes for, 2.203
- Resolutions, indexes for, 2.203

INFLAMMABLE GOODS

- Fire marshal enforcing laws as to, 3.544

INFLUENCE

- Prohibited acts, 8.105

INITIATIVE, REFERENDUM AND RECALL

- Affidavits as to signed petitions, 9.109
- Airport lease referendum, 7.402
- Amendatory ordinances exempt from referendum, 9.108
- Amendment of measures, provisions as to, 9.114
- Appropriation ordinances exempt from referendum, 9.108
- Arguments —
 - favoring, presentation of, 9.112
 - opposing, presentation of, 9.112
- Ballots —
 - form of, 9.113
 - "yes" and "no" following statement on, 9.113
 - statements on, 9.113
- Board of education members subject to recall, 9.108
- Budget ordinances exempt from referendum, 9.108
- Challenge of signatures on petitions, 9.108
- Charter amendment petitions filing and delivery, 9.112
- Chief administrative officer subject to recall, 9.108
- Choice between competing and conflicting measures, 9.114
- City attorney preparing statements as to, 9.113
- Competing measures, choice between, 9.114
- Conflicting measures, choice between, 9.114

**INITIATIVE, REFERENDUM
AND RECALL—Cont'd**

- Controller's statement as to cost, 9.112
- Controller subject to recall, 9.108
- Cost, controller's statement as to, 9.112
- Denial of signing petition, 9.109
- Effective date —
 - after favorable vote, 9.113
 - ordinances subject to referendum, 2.301, 2.304
- Elections, compliance with charter required, 9.115
- Elective officers subject to recall, 9.108
- Emergency measures restricted by initiative, 2.301, 2.304
- Emergency powers ordinances exempt from referendum, 9.108
- Favorable vote, effective date upon, 9.113
- Formal defect not invalidating elections, 9.115
- Franchises as subject to, 7.404, 9.108
- Fund for special election, 9.110
- General election measures submitted at, 9.111
- Leases of real property subject to referendum, 7.402, 7.404
- Mailing of copy to voters, 9.112
- Majority vote on, 9.113
- Officers statement of justification, 9.112
- Opposing arguments, presentation of, 9.112
- Ordinances subject to, generally, 9.108
- Pamphlets —
 - arguments, containing, 9.112
 - cost statement of controller in, 9.112
- Petitions —
 - generally, 9.109
 - affidavits as to signing, 9.109
 - arguments, presentation of, 9.111
 - challenge of signatures on, 9.109
 - denial of signing, 9.109
 - general law governing, 9.109
 - presumptions as to validity, 9.109
 - revocation of signatures, 9.109
 - rules and regulations governing, 9.109
 - signature withdrawn from, 9.109
 - special election requested by, 9.111
 - state law as governing, 9.109
- Policy declaration subject to referendum, 9.108
- Power as to, 9.108
- Preference as to competing and conflicting measures, 9.114
- Presumption as to validity of petitions, 9.109
- Printing of copies for voters, 9.112
- Protest of ordinances by, 9.108
- Public utilities bond elections, 7.303
- Public utilities commission members subject to recall, 9.108
- Reasons for recall demands, statement of, 9.112
- Recall —
 - ineligibility for office after, 9.113
 - reimbursement of officer where retained, 9.113
 - successor appointed in event of, 9.113
- Reimbursement of officer not recalled, 9.113
- Rejection of legislative act, 9.108
- Repeal, provisions as to, 9.114
- Revocation of signatures on petitions, 9.109
- Salary ordinance exempt from referendum, 9.108
- Sample ballot —
 - mailing to voters, 9.112
 - officers statement of justification, 9.112
 - printing of, 9.112
 - reasons for recall stated, 9.112
- Signatures on petitions withdrawn, 9.109
- Social security coverage, referendum as to, 8.514
- Special elections —
 - generally, 9.103, 9.108
 - fund for, 9.110
 - holding of, 9.111
 - ordinance directing, 9.111
 - time for, 9.111
- State election, measures submitted at, 9.111
- State law —
 - applicability of, 9.103
 - petition governed by, 9.109
- Substantial compliance with charter required, 9.115
- Taxation —
 - controller's statement as to, 9.112
 - ordinances, exempt from referendum, 9.108
- Tie vote, resubmission on, 9.114
- Time —
 - limit on recall, 9.108
 - special election, 9.111
- Utilities leases or sales subject to, 7.404
- Veto, provisions as to, 9.114

INDEX

INQUIRY

See also Investigations

Chief of police as having power of, 3.537

Departmental affairs subject to, 2.400

Offices, inquiries on conduct of, 3.701

Power not restricted, 2.401, 3.101, 3.500

Tax collector having power of, 6.403, 7.704

INSANITY

Vacancy in office by, 8.104

INSPECTIONS

Chief of police, power of, 3.537

Fees for licenses as covering cost of, 6.403

Fire prevention and public safety, 3.545

Ordinance providing for, 7.704

Public safety, 3.545

Tax collector, power of, 6.403, 7.704

INSPECTORS

Fire department, see Fire Department

Police department, 3.534

INSTITUTION HEADS

Appointing officers, as, 3.501

Checking of purchases, duty of, 3.501

Functions, continuance of, 11.102

Requisitions for purchases, power to issue, 3.501

INSTITUTIONS

Revolving funds for, 6.308

INSURANCE

Exhibits —

M. H. de Young Museum, 3.633

Palace of legion of honor, 3.623

Retirement board, experienced insurance person as member of, 3.670 - 3.672

Utilities reserve fund appropriated, 6.407

INTELLIGENCE UNIT (Police)

Inspector in, deemed appointed, 3.534

INTER-DEPARTMENTAL SERVICES

Controller prescribing payments methods for, 6.305

INTEREST (contracts, etc.)

Collusion, penalties, 7.206

Definition of, 8.105

Direct interest prohibiting influence, 8.105

Disclosure of remote interest in contracts, sales, etc., required, 8.105

Indirect interest prohibiting influence, 8.105

Influence, prohibited acts, 8.105

Official capacity, prohibited acts in, 8.105

Prohibited, 8.105

Remote interest excluded from prohibitions, 8.105

INTEREST (money)

Bonds, general obligation, 7.307

Budget including interest on borrowed money, 6.304

Definition under retirement provisions, 8.509

Deposited money, interest accruing to city, 6.311

Estimates of required amount for, 6.100, 6.203

Improvement bond interest paid by special assessment, 7.603

Maximum tax levy as exclusive of, 6.208, 6.400

Notes of city, supervisors fixing interest on, 6.304

Notes securing loans to city, interest on, 6.304

Public utilities bonds interest met by bond issuance, 7.301

Revolving fund moneys used for special assessment projects, interest added to contracts, 7.603

Tax levies for payment of, 6.208, 6.400

Temporary transfers or loans, interest on, 6.304

Utilities interest fund appropriated, 6.407

INTERFERENCE (administrative affairs)

Prohibition as to, 2.401, 3.101

INTERNAL CHECK

Controller as devising, 3.301

INVENTORIES

Purchaser of supplies maintaining, 7.100

INVESTIGATION

See also *Inquiries*

Chief of police as having power of, 3.537

Claims investigated by controller, 6.303

Fire bureau, see *Bureau of Fire Investigation*

License and permit appeals, 3.651

Master plan for, 3.524

INVESTMENTS

Health service funds, 8.429

Municipal railway employees, benefit funds, 8.404

Retirement system funds, expenses of investing, 8.510

Trust fund, investment of, 6.311

J

JOINT BOARD of Fire and Police Commissioners

Electricity department chief having powers and duties of, 3.500

JOINT COMMISSION

Electricity department commission, abolishment of, 3.500

JOINT CUSTODY ACCOUNT

Record of moneys and securities in joint custody safe, as, 6.310

Withdrawals on as verified, 6.310

JOINT CUSTODY SAFE

Balance as verified, 6.310

Moneys needed as withdrawals from, 6.310

JUDGMENT

Budget estimates submission to mayor including statement of, 6.203

JURISDICTION

Harbor, acceptance by city and county, 3.582

JURY SERVICE

Retired person permitted, 8.509, 8.511, 8.581

Salary and wage payments affected by, 8.400

JUVENILE BUREAU

Inspectors in, 3.534

JUVENILE COURT PROBATION OFFICER

Appointing officer, as, 4.105

Appointment of, 4.105

Assistant, deputies and employees as appointed by, 4.105

Civil service as applicable to assistant and employees, 4.105

Pension provisions of charter applicable to, 4.105

Retirement provisions of charter applicable to, 4.105

Salaries and wages of, 4.105

JUVENILE PROBATION BOARD

City officers, members as, 1.103

Continuance of powers and duties under state law, 4.105

Officers of city, members as, 1.103

Probation officers employees confirmed by, 4.105

L

LAGUNA HONDA HOME

Assistant director of public health, responsibilities of, 3.510

LAND

Food industry relocation, property transactions for, 7.703

Leases of, see *Leases*

Real property, see *Real Property*

LANDSCAPE ARCHITECT

Appointment by mayor, 3.600

LAW ENFORCEMENT

Mayor's responsibility for, 3.100

LAW LIBRARY

Board of trustees for, 1.103, 4.104

Board of supervisors providing for, 4.104

Fees, collection of, 4.104

Free access to, 4.104

Fund —

collections for, 4.104

expenditures from, 4.104

Furnishings for, 4.104

Librarian for, 4.104

Location of, 4.104

Management of, 4.104

Mayor as ex-officio trustee of, 4.104

Quarters for, 4.104

Salaries and wages of employees of, 4.104

INDEX

LAW LIBRARY—Cont'd

Superior court judges as ex-officio trustees, 4.104
Trustees —
generally, 4.104
city officers, as, 1.103
Use of, persons entitled to, 4.104
Vacancies on trustees board, filling of, 4.104

LAW PRACTICE

Assistant attorneys, qualification for job, 3.506
City attorney, qualification for office, 3.401, 3.406
District attorney, qualification for office, 3.402, 3.406
Municipal judges prohibited from, 4.100
Public defender, qualification for office, 3.403, 3.406

LAWS

Power to make and enforce, 1.101

LAY-OFFS

See also Reduction in Force
Automation causing, 8.351
Fire boat personnel due to conversion or discontinuance, 3.546
Military service returnees as causing, 8.360
Retirement contributions, cessation as to, 8.509
Suspension and dismissal provisions of charter not affecting rules as to, 8.341

LEASES

Airport property, 7.402, 7.405
Automobile parking in underground garages, 7.403(b)
Board of supervisors as authorizing, 7.402
Civic auditorium, power to lease, 3.510
Director of property in charge of, 7.400, 7.402
Exposition auditorium, power to lease, 3.510
Garages underground, park and recreation property for, 7.403(b)
Harbor facilities, power as to, 3.581
Length of period, extending by ordinance, 7.402
Port commission, powers of, 3.581
Produce market relocation, lands for, 7.703

Public utilities commission as leasing water department property, 7.402
Recreation and park department powers as to, 7.403
Referendum as to airport leases, 7.402
Referendum as to utility leases, 7.404
Stadiums and recreational fields, 7.403
Underground garages, parks and squares, 7.403(b)
Utilities leased, status of employees of, 7.404, 8.300
Utilities leases by board of supervisors, 7.404
Water department property leased for agriculture, 7.402

LEAVE OF ABSENCE

Accumulation of sick leave, 8.363
American Red Cross, service in, 8.362
Amendments to rules governing, 8.360
Civil service commission rules governing, 8.360
Disability leaves, 8.363
Illness, leaves due to, 8.363
Military, see Military Leaves
National defense, for, 8.361
Police officer obtaining leave after suspension, reinstatement, 8.344
Red Cross, service, 8.362
Rules governing, 8.360
Rules of commission governing, 8.360
Sick leave, 8.362
Time limit for, 8.362
War effort leaves, 8.361

LEGACY

Investment of, 6.311

LEGAL CAPACITY

City and county, legal capacity, 1.101

LEGAL PROCEEDINGS

Actions, see Actions

LEGION OF HONOR

Palace, see California Palace of Legion of Honor

LEGISLATIVE ACTS

Ordinances as means of, 2.300

LIABILITIES

Accounts and accounting procedure to record, 3.301

LIBRARIAN

See Law Library; Library Department

LIBRARY

Commission, see **Library Commission**
 Department, see **Library Department**
 Law, see **Law Library**
 Purchases by, 7.100
 Taxation to support, 6.208

LIBRARY COMMISSION

Compensation, service without, 3.560
 Duties of, generally, 3.560
 Ex-officio members of art commission,
 chairman as, 3.600
 Librarian, appointment of, 3.561
 Membership of, 3.560
 Number of members of, 3.560
 Powers of, generally, 3.560
 Reduction in membership, 3.560
 Secretary —
 appointment of, 3.561
 civil service exemption, 3.561
 Terms of office of members of, 3.560

LIBRARY DEPARTMENT

Appointing officer, librarian as, 3.561
 Chief executive, librarian as, 3.561
 Civil service, positions as subject to,
 3.561
 Commission as managing, 3.560
 Incumbents deemed appointed under
 civil service, 3.561
 Librarian —
 appointing officer, as, 3.561
 appointment of, 3.561
 chief executive, as, 3.561
 civil service, exemption from, 3.561
 Management by commission, 3.560
 Secretary —
 appointment of, 3.560
 civil service exemption, 3.560

LIBRARY TRUSTEES

Commission as successors in office,
 3.560

LICENSES AND PERMITS

Appeal board, see **Board of Permit Appeals**
 Application required for, 7.704
 Board of appeals, see **Board of Permit Appeals**
 Building permit, issuance upon approval by fire prevention bureau, 3.545
 Buildings under recreation and park commission, use of, 3.552
 Business license, 6.402, 6.403
 revocation, etc., 7.704
 City planning commission approval of,
 7.500
 Denial, appeal of, 3.651

Fees for, department heads recommendations as to, 3.500, 6.403

Issuance of —

approval of planning commission required when, 7.500
 police chief power to refuse, 3.537
 regulation by ordinance, 7.704
 revocation, etc., 7.704
 zoning, set-back, etc., ordinances, affect, 7.500
 Manufacturers of goods, etc., 7.704
 Ordinances regulating, 7.704
 Police chief power as to, 3.537
 Port commission, powers of, 3.581
 Recreation and park buildings, use of,
 3.552
 Revocation —
 appeal of, 3.651
 police chief power as to, 3.537
 regulation by ordinance, 7.704
 Sellers of goods, etc., 7.704
 Spur tracks permit, 7.606

LICENSES TAXES

Businesses subject to, 6.403
 Fees, 6.402

LIENS

Notes of city as liens on tax collections, 6.304

LIMITATION OF ACTIONS

Waiver of statutes of, 2.300

LIMITED TENURE APPOINTMENTS

Authority, expiration after repeal of ordinance, 8.331
 Civil service status of appointees, 8.331

Duration of, 8.331

Emergencies, charter provisions operative during, 8.331

Municipal railway runs assignments affected by, 8.331

Non-civil service appointment prohibited when eligibles available, 8.331

Ordinance as to, 8.331

Termination of, 8.331

LITTERATEUR

Appointment by mayor, 3.600

LOANS

City, loans to, see **Borrowing Money**

LOST PROPERTY

Employees' property lost in line of duty, replacement of, 8.411

INDEX

M

MAGISTRATE

Bonds, approval of, 3.402
Warrant and bond officer acting subject to, 3.402

MAJORITY

Board and commission majorities, definition of, 3.500
Quorum of boards and commissions constituted by, 3.500

MANAGER

Retirement board, 3.670 - 3.672

MANAGER OF UTILITIES

Administrative power of, 3.593
Appointment of, 3.593
Chief executive, as, 3.593
Department head, acting as, 3.593
Planning commission ex-officio member of, 3.521
Powers of, 3.593
Qualification required for position of, 3.593
Salary of, 3.593

MANUFACTURERS

Licenses and permits, 7.704

MARINE CORPS

Veterans preference in examination, 8.324

MARINE ENGINEERS

Fire boats engineers, reassignment of, 3.546

MARKET

Municipal market for produce, land transactions for, 7.701
Produce market, property transactions for relocation of, 7.701

MARKET STREET RAILWAY

Retirement benefits, former employees in military service, 8.520(e)

MASTER PLAN

Amendment of, 3.525
Board of supervisors, recommendations, 3.526
Building intensity standards included in, 3.524
Capital improvement project proposals, reports as to effect of, 3.528, 6.202
Departments powers and duties as to, generally, 3.524

Duty to adopt and maintain, 3.524
Hearings as to amendments of, 3.525
Information as to, duty to furnish, 3.524
Investigation and studies for, 3.524
Items composing, 3.524
Mayor's recommendations as to, 3.526
Outside land included in, 3.524
Population —
 density standard indicated, 3.524
 growth estimates included, 3.524
Preparation of, generally, 3.524
Public interest in, promoting of, 3.526
Publishing and distribution of, 3.526
Recommendations of commissions included in, 3.526
Resolutions for amendment of, 3.525
Scope of, generally, 3.524
Understanding of, promotion, 3.526

MAYOR

Abolishment of departments as recommended by, 2.101
Absence of as tolling time limitations, 2.302
Acting mayor, see Acting Mayor
Annual executive budget, duties as to, 3.100
Annual message to supervisors, 3.100
Annual reports of department operation submitted to, 3.500
Appointees as removed by, 8.107
Appointment to city service after term, 9.100
Appropriations, reduction of to meet emergency, 8.406
Approval of resolutions and ordinances, 2.302
Audit of account of controller's books, copy of report received by, 3.305
Board members appointed by, 3.100
Board of permit appeals appointment, 3.650
Board of supervisors acting in case of disaster, 3.100
Board of trustees of war memorial, appointment, 3.610
Bonds of officers and employees in amounts approved by, 3.500
Borrowing money as approved by, 6.304
Budget estimates —
 segregation for mayor, 6.200
 transmission to mayor, 6.200
Budget message of —
 generally, 6.203
 printed copies for official use and public demand, 6.204
Budget, review and submission of, 3.100, 6.203

SAN FRANCISCO CITY CHARTER

MAYOR—Cont'd

- California palace, ex-officio trustee of, 3.620
- Capital improvement programs recommendations to, 3.528, 6.202
- Chief administrative officer, appointment of, 3.200
 - disaster, acting in case of, 3.100
- Chief executive officer, as, 3.100
- City planning commission appointed by, 3.100
- Civil service commission appointed by, 3.660
- Clearing house representative recommended by, 6.309
- Combining department functions by, 3.501
- Commissions members appointed by, 3.100
- Compensation, fixing of, 3.100
- Complaints, duties as to, 3.100
- Consolidated budget estimates transmitted by, 6.203
- Controller —
 - appointment of, 3.300
 - official bond, custody and examination of, 3.304
 - reports sent to mayor, 3.302
- Co-operation and co-ordination, duties as to, 3.100
- Cost reports of departments to, 3.500
- Criminal convictions of officers, duty upon, 8.107
- Department affairs, power to investigate, 3.701
- Departments supervised by, 3.100
- Disapproval of resolutions and ordinances, 2.303, 6.206
- Disaster, succession to office in case of, 3.100
- Draft of appropriation ordinance to supervisors, 6.203
- Duties of, generally, 3.100
- Elective officer, as, 3.100, 9.100
- Emergency —
 - declaration of, 8.406
 - power in, 3.100
 - succession, in absence, 3.100
- Executive secretary for, 3.100
- Expenditures reports of department to, 3.500
- Expenses of office, appropriation for, 3.100
- Fire commission, appointment of, 3.540
- Franchises, power to postpone action on, 3.100
- Investigation of department, power as to, 3.701
- Law enforcement, responsibility for, 3.100
- Law library ex-officio trustee, as, 4.104
- Library commission, appointment of members, 3.560
- Limitation upon appointment after term, 9.100
- Master plan amendment copies to, 3.525
- Message to board of supervisors, 3.100
- M. H. de Young Museum, ex-officio trustee of, 3.630
- Municipal election for, 9.100
- Number of terms, 9.101
- Officers appointed by, 3.100
- Official bond of —
 - controller custody of, 3.304
 - necessity for, 3.100
- Official bonds —
 - amounts approved, 3.500
 - controller's custody and examination of, 3.304
 - suspending officials for insufficiency of, 3.304
- Ordinances transmitted to, 2.302
- Planning commission members appointed by, 3.521
- Police commission, appointment of, 3.530
- Port commission appointment of, 3.584
- Port director, appointment of, 3.581
- Powers and duties of, generally, 3.100
- Proposed budget transmitted to board of supervisors by, 6.203
- Public utilities commission appointed by, 3.100, 3.590
- Public works costs reported to, 7.200
- Recalled officer, appointing successor to, 9.113
- Recommendations to board of supervisors, 3.100
- Reconsideration of measures requested by, 2.302
- Record of board and commission meetings forwarded to, 3.500
- Recreation and park commission appointments, 3.550
- Reduction of appropriations by, 2.302
- Reports of department operation submitted, 3.500
- Resolutions transmitted to, 2.302
- Retirement board appointed by, 3.100, 3.670
- Revolving funds recommended by, 6.308
- Salary of, 3.100
- Seat on board of supervisors privilege of, 3.100
- Secretaries for, 3.100
- Service of process upon, 3.100

INDEX

MAYOR—Cont'd

Social Services commission appointed by, 3.570
Social Services department members — appointment of, 3.570
removal of, 3.570
Stenographer for, 3.100
Succession to office in case of disaster, 3.100
Supervision of department, duty as to, 3.100
Suspension of officers by, 8.107
Transfer of department functions by, 3.501
Tax reduction to meet emergencies, 8.406
Term of —
length, 9.100
number allowed, 9.101
successive terms, 9.101
Time for action on emergency measures, 2.301
Unanimous measures, time for action on, 2.301
Unencumbered balance transfers approved by, 6.305
Vacancy in office, filling of, 3.100
Veto —
appropriation ordinance, 6.203
resolutions and ordinances, 2.302
Voting power in boards and commissions, 3.100
War memorial trustees, appointment of, 3.610

MEDICAL CARE

Health service, see Health Service

MEETINGS

Attendance, compelling of, 3.500
Board of supervisors, 2.200, 3.500
Boards and commission, 3.500
California palace trustee board, 3.621
Changing place of, 3.500
M. H. de Young Memorial Museum trustees, 3.631
Notice of special meetings, 3.500
Penalty for absence from, 3.500
Public, opening to, 3.500
Special meetings provided by ordinance, 3.500

MEMORIALS

California palace of legion of honor, see California Palace of Legion of Honor
M. H. de Young Museum, see M. H. de Young Memorial Museum
War, see War Memorial

M. H. de YOUNG MEMORIAL MUSEUM

Accounts, duty to keep, 3.633
Additional trustees for, 3.630
Administration in accordance with grant, 3.634
Appropriation for, 6.404(c)
Buildings for, 3.631
Civil service as applied to employees of, 3.632
Compensation, trustees serving without, 3.630
Control in accordance with grant, 3.634
Curators for, 3.632
Director for, 3.632
Employees for, 3.632
Exhibits, insurance of, 3.631
Fund, appropriation for, 6.404(c)
Mayor as ex-officio trustee of, 3.630
Meetings of trustees, 3.631
Name known in perpetuity, 3.630
Park commission president as ex-officio member of, 3.630
Perpetuity of name, 3.630
Reports to controller, duty to make, 3.633
Salaries standardization applying to employees of, 3.632
Secretary for, 3.632
Trustee board governing, 3.630
Vacancies in trustee board, 3.630

MERITORIOUS CONDUCT

Fire department reward for, 8.327
Police department reward for, 8.327

MILITARY LEAVES

American Red Cross —
leaves deemed military, 8.362
service, granting leaves for, 8.362
Continuing employment after, 8.361
Disabilities incurred in, transfer for, 8.350
Fire department service affected by, 8.405
Fire investigation bureau service affected by, 8.405
Fire prevention bureau service as affected by, 8.405
Health service employees continued under civil service, 8.420
Lay-offs due to return from, governing of, 8.361
Orders filed with civil service commission, 8.361
Peace time leaves, time for, 8.361
Red Cross leaves deemed as, 8.362
Resuming employment after, 8.361

SAN FRANCISCO CITY CHARTER

MILITARY LEAVES—Cont'd

Seniority affected by, generally, 8.361
Service for city, term considered as, 8.361
Substitute examinations after, see Substitute Promotional Examinations
Time limit upon, 8.361
War time leaves, time for, 8.361

MILITARY SERVICE

Base pay affecting retirement contributions liability, 8.520
Civil service exams —
completion after, 8.360
credit for service, 8.321
Contributions to retirement during—
city, 8.520
members, 8.520
Definition for retirement credit purposes, 8.520
Disability affecting retirement service computations, 8.520
Eligibles list standing affected by, 8.360
Examination preference for veterans, 8.324
Incompletion of civil service exams due to, 8.360
Interruption in civil service exams due to, 8.360
Lay-offs by return of eligibles, 8.360
Leaves, 8.361
Municipal railway employees, retirement benefits, 8.520(e)
Pay affecting retirement contributions of members during, 8.520
Peace-time draft affecting retirement service credits, 8.520
Promotional examinations for person in, 8.328
Retirement credits for time in, 8.503, 8.520, 8.554, 8.578
Retroactive effect of provisions as to, 8.360
Return to city service, contributions after, 8.520

MISCONDUCT

Official, see Official Misconduct

MISDEMEANORS

Bail in cases of, 3.402

MONEYS

Appropriations for transfers as pursued in withdrawals of, 6.303
Claim against city for, filing of, 7.703
Deposits, 6.311
Internal checks relative to, 3.301
Joint custody —
account for, 6.310
safe for, 6.310
Ordinance providing for custody of, 6.310
Payment into treasury, duty of, 8.400
Public money other than city's, keeping of, 6.311
Transfer for deposits at expense of depository, 6.311
Treasury, duty to deliver to, 6.311

MOORING OF VESSELS

Port commission as controlling, 3.581

MORAL TURPITUDE

Crimes, removal on conviction of, 8.104, 8.107
Retirement benefits, conviction of crime affecting right to, 8.509

MORRISON PLANETARIUM

Admission fee for attendance at, 6.411
Management and operation by California Academy of Sciences, 3.640

MOTORCYCLES

Police officers compensation for service on, 3.531, 8.405(b)

MUNICIPAL CORPORATION

Boundaries, 1.100
San Francisco continued as, 1.100

MUNICIPAL COURT

Annual reports, 4.101
Bailiffs detailed by sheriff, 4.102
Charter prescribing constitution and regulation of, 4.100
Civil service applicable to personnel of, 4.102
Clerk —
city officer, clerk as, 1.103
duties of, generally, 4.102
general law prescribing powers and duties of, 4.102
law library fees, collection of, 4.104
state law prescribing powers and duties of, 4.102
Duties, constitution and general law governing, 4.100
Election of judges, 9.100
Employees of, 4.102

INDEX

MUNICIPAL COURT—Cont'd

Fees collected as paid into treasury, 4.100
Judges —
 clerk of court appointed by, 4.102
 compensation as being in full for services, 4.100
 election of, 9.100
 elective officers, as, 9.100
 law practice by, as prohibited, 4.100
 meetings of, 4.101
 presiding judge, responsibility of, 4.100
 terms of, 9.100
Monthly reports of, 4.101
Officer of city, clerk as, 1.103
Personnel appointed by clerk, 4.102
Powers, constitution and general law governing, 4.100
Presiding judge as supervising and directing the work, 4.100
Records as responsibility of presiding judge, 4.101
Reports —
 board of supervisors, to, 4.101
 responsibility for, 4.100
Retirement system membership of employees, 8.503
Rules and regulations as prescribed by judges, 4.101
Salaries and wages of employees, 4.102
Terms of judges, 9.100

MUNICIPAL ELECTION

See Elections

MUNICIPAL RAILWAY

Additional pay for holiday work for operators and platform employees, 8.404
Arbitration of disputes, establishment of procedure, 8.404
Basic wage, certain employees, 8.404
Benefits for employees, 8.404
Bus operator —
 compensation, 8.404
 conductors assigned to duty as, 8.450
 days off allowed, 8.450
 holiday provisions for, 8.404
 hours of work, 8.450
 motormen assigned to duty as, 8.450
 overtime for, 8.450
 residence requirement, 8.320
 salaries standardization, see **Salary Standardization**
 seniority governing appointments as, 8.450

Cable car operation and maintenance mandated, 3.595
 fares limited, 3.595
Classification, standardized salary paid in accordance with, 8.404
Coach operators, see *supra*, **Bus Operators**
Conductor, residence requirement, 8.320
Equipment or other personal property of employees damaged or lost in line of duty, repair or replacement of, 8.411
Extra pay —
 holiday work, operators and platform employees, 8.404
 instructor duties, 8.404
Fares, 3.598
 cable cars, 3.595
Fund for employee benefits, 8.404
Health service system, 8.404
Holiday provisions for operators and platform employees, 8.404
Instructor duties, extra pay for, 8.404
Investment of benefit funds, 8.404
Maximum rates of pay to present employees under standardization, 8.404
Military service, retirement benefits, 8.520
Motormen, residence requirement, 8.320
Other cities —
 schedules, certification of, 8.404
 standardization in accordance with, 8.404
Overtime for platform employees and operators, 8.450
Platform employees —
 compensation, 8.404
 days off allowed, 8.450
 holiday provisions for, 8.404
 hours of work, 8.450
 limited tenure service affecting assignment of runs, 8.331
 overtime for, 8.450
 salaries and benefits, 8.404
Public utilities commission, department under, 3.592
Residence requirements, exception, 8.320
Retirement benefits for employees, 8.404, 8.520(e)
Revenues, 6.407
Salaries and wages, 8.404
Social security coverage for employees of, 8.514
Street railways, see **Street Railways**
Trainee platform men and operators, rate of pay for, 8.404
Vacation benefits for employees, 8.404

SAN FRANCISCO CITY CHARTER

MUSEUMS

M. H. de Young, see **M. H. de Young Memorial Museum**
Purchases by, 7.100

MUSIC

Advancement, art commission control of expenditures for, 3.601

MUSICIAN

Appointment by mayor, 3.600

N

NAME

San Francisco as name of city, 1.100

NARCOTIC FUND

Chief of police fund, increase in amount, 3.539

NARCOTIC LAWS

Fund for enforcement of, 3.539

NATURAL HISTORY MUSEUM

Management and operation by academy of sciences, 3.640

NAVIGATION

Port commission regulating, 3.581

NAVY

Military leaves, see **Military Leaves**
Veterans preference in examinations, 8.324

NEWSPAPERS

Official, see **Official Newspaper**

NOMINATIONS

Board of education nominees, statement of qualifications 5.100
Elective officers, 9.104
Health service board candidates, 3.680

NON-CIVIL SERVICE

APPOINTMENTS

Approval required for, 3.501
Cafeteria employees, appointments, 5.103
Chief administrative officer's approval required 3.501
Compensation, time limit upon, 8.332
Immediate service necessity as occasion for, 8.332
Leaves of absence for, 8.361
Limited tenure appointee availability as precluding, 8.331
No eligibles list as occasion for, 8.332

Pending processing of eligible appointments, 8.332

Removal of, power as to, 3.406, 3.501

Termination by hiring civil service eligibles, 8.332

Time limit for, 8.332, 8.333

NON-PROFIT CORPORATION

California academy of sciences as, 3.640

NON-TEACHING

School non-technical positions under civil service, 5.101

NOTES

Anticipation of income for repayment of, 6.304

Borrowing money on, 6.304

Date of payment fixed by supervisors, 6.304

Fiscal year fund, repayment from, 6.304

Form as prescribed by board of supervisors, 6.304

Insufficiency of funds, pro rata repayment in case of, 6.304

Lack of fund, pro rata repayment in case of, 6.304

Lien on tax collections, notes as, 6.304

Place of payment as fixed by supervisors, 6.304

Priority in repayment as prohibited where funds insufficient, 6.304

Pro rata repayment in case of insufficient funds, 6.304

Rate of interest fixed by supervisors, 6.304

Sale of by supervisors, 6.304

Tax collections as payment for, 6.304

Time of payment as fixed by supervisors, 6.304

NOTICE

Charges against accused person, notice of, 8.341

Civil service
abolition or creation of positions, 8.200

appointment, character of, 8.329

charges against employees, 8.341

promotional exams, 8.326

Ordinance, notice of title and subject matter of, 2.300

Positions in department, creation or abolition of, 8.200

Removal proceedings, pending, 8.341

Superintendent of schools, charges for removal of, 5.102

INDEX

NOTICE—Cont'd

- Suspension of employee, reasons for, 8.342
- Utilities rates and fares changes, 3.598
- Zoning hearings notice published, 7.501

NUISANCES

- Public, see **Public Nuisances**

NUMBERS

- Singular as including plural, 8.514

O

OATHS

- Civil service commission, 3.660
- Investigation of department, power of oath in, 2.400, 3.701
- Retirement board secretary or actuary administering, 3.672

OBLIGATIONS

- Appropriations and balance as prerequisite to incurrence of, 6.302, 6.303, 6.306

OBSOLETE EQUIPMENT

- Exchange or sale by purchaser of supplies, 7.100

OCCUPIED STRUCTURES

- Fire inspections, 3.545
- Plans for altering, etc., examination and approval of, 3.545

OFFICE HOURS

- Daily, 7.702
- Ordinances establishing, 7.702

OFFICERS

- Absence from state, permission for, 8.102
- Additional powers conferred by supervisors, 2.101
- Appointment by mayor, 3.100
- Board members appointed by mayor as, 1.103
- Boards, administrative heads of, 3.500
- Bonds of, see **Official Bonds**
- Candidacy for election as forfeiture of appointment, 9.100
- Citizens, to be, 8.100
- Commission members appointed by mayor as, 1.103
- Commissions, administrative heads of, 3.500
- Compensations, continuance of, 11.102

- Continuance of positions, powers, fights, liabilities, 11.102
- County, see **County Officers**
- Dealing solely through, 2.401, 3.103
- Discipline of, see **Discipline of Officers and Employees**
- Elective officers as officers, 1.103
- Forfeiture of office by candidacy for elective office, 9.100
- Functions, continuance of, 11.102
- Group bonding of, 8.101
- Health service membership, 8.420; and see **Health Service**
- Interest in city transactions prohibited, 8.105
- Investment of trust funds, by, 6.311
- Positions continued, 11.102
- Powers conferred by supervisors, 2.101
- Private business or professional practice restriction, 8.105
- Qualifications of, generally, 8.100
- Removal of, see **Removal of Officers and Employees**
- Residence requirement during incumbency, 8.100
- Rules and regulations for, 3.500
- Salaries recommendations by, 8.400(h)
- Salary standardization, subject to, 8.401
- Service records of, 3.661(b)
- Suspension, see **Suspension of Officers and Employees**
- Temporary transfers or loans approved by, 6.304
- Who are, 1.103

OFFICIAL BONDS

- Approval by city attorney, 3.401
- Assessor's bond, 3.400
- Board of supervisors —
 - members, 2.100
 - officers and employees, 2.202, 2.203, 3.500
- Boards, administrative heads of, 3.500
- City attorney —
 - approving as to form, 3.401
 - bond of, 3.401
- Conditions provided by ordinance, 8.101
- Controller's bond, 8.101
- District attorney's bond, 3.402
- Examination by controller, 3.304
- Form —
 - approval by city attorney, 3.401
 - ordinance providing for, 8.101
- Group bonding, 8.101
- Health service board members, 3.680
- Illegal demands on treasury as incurring liability on, 6.312

SAN FRANCISCO CITY CHARTER

OFFICIAL BONDS—Cont'd

Mayor —

- amount of bond, 3.100
- approval of amounts, 3.500
- controller's custody of mayor's bond, 3.304
- custody of controller's bond, 3.304
- New bonds required upon insufficiency of, 3.304
- Ordinance prescribing, 8.101
- Port commission members, 3.580
- execution of U.S. required bonds, 3.581
- Premium paid by city, 5.500, 8.101
- Public defender, of, 3.403
- Reports on by controller to mayor, 3.304
- Sheriff, of, 3.404
- Supervisors, 2.100
- Sureties on —
 - generally, 8.101
 - controller investigating, 3.304
- Suspension for insufficiency of, 3.304
- Treasurer, of, 3.405

OFFICIAL DUTIES

- Vacancy upon violations, 8.102

OFFICIAL MISCONDUCT

See also, **Prohibited Practices**

- Appointees of mayor, removal for, 8.107
- Claims for personal service not according to charter, 8.400(b)
- Forfeiture of office on, 8.106
- Interference in departmental affairs as, 2.401, 3.101
- Mayor's misconduct for failure to remove officer, 8.107
- Penalty for, 8.106
- Prohibited practices violation, as, 8.105
- Punishment for, 8.106
- Removal of officers for, 8.107
- Splitting public work to evade making contracts, 7.200
- Supervisors' misconduct for failure to remove appointees, 8.107
- Suspension of officers for, 8.107

OFFICIAL NEWSPAPER

- Circulation required of, 10.100
- Definition of, 10.100
- Emergency ordinances published in, 2.301
- Ordinances, publication in, 2.300

OILS STORAGE

- Fire marshal enforcing laws as to, 3.544

OLD AGE SECURITY

See **Firemen's Retirement; Police Retirement; Retirement; Retirement System; Social Security Coverage**

OPERATIONS

- Examination as to department operations, 2.400, 3.701

OPTIONS

Retirement, see **Firemen's Retirement; Retirement System; Police Retirement**

ORDINANCES

See also **Resolutions**

- Absence from meetings penalized by, 3.500
- Action of supervisors by, 2.300
- Adding sections to and repealing, 2.306
- Airport property lease, approval of, 7.402
- Amendment of —
 - generally, 2.300
 - ordinance, by, 2.306
 - proceeding de novo on, 2.300
 - publication required, 2.300, 2.308
- Appropriation, see **Appropriation Ordinances**
- Approval —
 - city attorney, 3.401
 - mayor, 2.302
 - "Ayes", voting by, 2.300
- Bonds of officers and employees specified by, 8.101
- Borrowing money authorized by, 6.304
- Certificates as to correctness of codification, 2.306
- Certification by clerk of board, 2.306
- City attorney, duty to prepare or approve, 3.401
- City officers designated by, 1.103
- Codification, generally, 2.306
- Committee action prior to passage, 2.300
- Continuance in force, 11.101
- Contract procedures established by, 7.205
- Department heads recommendations for, 3.501
- Disapproval by mayor, 2.303, 2.304
- Effective dates of, generally, 2.304
- Emergency ordinances, see **Emergency Ordinances**
- Enacting clause of, 2.300
- Expenditure ordinances dependent upon balance and income, 6.302

INDEX

ORDINANCES—Cont'd

- Failure to return as approval by mayor, 2.302
- Files kept by clerk of board of supervisors, 2.203
- Fire department salaries fixed by, 8.405
- Form approved by city attorney, 3.401
- Franchise ordinances —
 - effective dates of, 9.108
 - passage generally, 2.300
- Health service system —
 - plans, approval of, 8.421, 8.422
 - power to enact as to, 8.432
 - revisions, approval of, 8.423
- Index as duty of clerk of board of supervisors, 2.203
- Inspection of proposed ordinances, 2.300
- Lease of real property, approval by, 7.402
- Leases of park or recreation grounds, approval of, 7.403
- Legislative act by, 2.300
- Licenses and permits regulated by, 7.704
- Limited tenure appointments authorized by, 8.331
- Majority vote required for, 2.300
- Mayor, transmittal to, 2.302
- "Noes", voting by, 2.300
- Notice of passage or finality, 2.305
- Notice of, publication required, 2.300
- Number of subjects, limitation on, 2.300
- Objections of mayor in writing, 2.302
- Officers of city designated by, 1.103
- Official bonds provided by, 8.101
- Passage of —
 - generally, 2.300
 - veto, passage after, 2.303
- Planning department reporting on ordinances affecting public ways and buildings, 3.527
- Police department salaries fixed by, 8.405
- Policy declarations embodied by, 9.108
- Power to make and enforce, 1.101
- Preparation by city attorney, duty of, 3.401
- Prior codification being valid, 2.306
- Protest before effective date, 9.108
- Publication —
 - after passage, 2.300
 - book form, 2.306
 - clerk of board of supervisors, by, 2.203, 2.306
 - notice as to ordinance, 2.300, 2.305
 - passage for second reading, upon, 2.300
- Public works —
 - charter provisions enforced by ordinance, 7.204
 - procedure governed by ordinance, 7.600
- Purchasing procedure by, 7.102
- Readings required, 2.300
- Re-codification of, 2.306
- Reconsideration —
 - after protest, 9.108
 - after veto, 2.303
 - request of mayor, 2.302
- Recording by clerk of board, 2.300, 2.305
- Reduction of appropriations in, 2.302
- Reference to committee required for, 2.300
- Referendum after protest, 9.108
- Repealing ordinance as amendment of, 2.300, 2.306
- Residence, re, 8.100
- Retirement system, for, 8.500
- Revolving fund purchase limit set by, 7.102
- Salary ordinances, see Salary Ordinances
- Sidewalk repair provided by where property owner fails, 7.601
- Single subject, ordinances confined to, 2.300
- Social security coverage, under, 8.514
- Special election for initiative referendum or recall directed by, 9.111
- Special meetings of boards and commissions provided by, 3.500
- State law controlling in absence of, 1.102
- Street accepted by, 7.601
- Street railway —
 - acquisition, 3.599
 - regulation, 3.595
- Subject expressed in title, 2.300
- Sureties on official bonds provided by, 8.101
- Time —
 - action by mayor, 2.302
 - mayor's absence as tolling, 2.302
 - requirement for passage, 2.300
- Title expressing subject of, 2.300
- Transmittal to mayor, 2.302
- Utility lease or sale ordinances subject to referendum, 7.404
- Vacation provisions regulated by, 8.440
- Veto by mayor, 2.302, 2.303
- Voidance for failure to express subject in title, 2.300

SAN FRANCISCO CITY CHARTER

ORDINANCES—Cont'd

Votes on, recording of, 2.300
Zoning action procedure established by, 7.501

ORGANIZED RESISTANCE

Chief of police having sheriff powers during, 3.537

OTHER CITIES

Police department salaries fixed by surveys of, 8.405

OUTSIDE ACTIVITIES

Limitations and prohibitions as to, 8.105

OUTSIDE OF CITY

Application for residence, 8.100
Areas, power as to, 1.101
Civil service, positions excepted from, 8.300
Death or disability of police or firemen covered by retirement provisions, 8.545, 8.560, 8.569
Fire fighting men and apparatus sent to, 3.540
Highways, power as to, 1.101
Institutions, power as to, 1.101
Living outside, officers and employees, 8.100
Plants, power as to, 1.101
Police service, see **Police Department**
Purchases for operation, 7.100
Residence of officers and employees, 8.100
Retirement provisions covering police and fire service, 8.545, 8.560, 8.569
Salaries and wages, department heads fixing, 8.400
Utilities —
power as to, 1.101
service, 3.598
Works, power as to, 1.101

OVERTIME

Fire department compensation for, 8.452
Municipal railway platform employees and operators, 8.300, 8.404, 8.450
Police department service, 8.451

P

PACIFIC GAS AND ELECTRIC COMPANY

Retirement provisions for employees under leases with, 8.508

PALACE OF LEGION OF HONOR

Generally, see **California Palace of Legion of Honor**

PAMPHLETS

Initiative, referendum and recall arguments printed in, 9.112

PANIC SAFETY STANDARDS

Inspections, 3.545
Plans for construction, etc., examination and approval of, 3.545

PAPERS

City attorney's office, duty of keeping, 3.401
Investigation compelling production of, 3.701
Rules and regulations as to, 3.500

PARK COMMISSION

Recreation and park commission, see **Recreation and Park Commission**

PARK DEPARTMENT

Recreation and park department, see **Recreation and Park Department**

PARKING

Lease of parks and squares subsurface space for, 7.403(b)

PARKING AUTHORITY

Health service system membership, 8.420
Retirement system membership, 8.504

PARKS

See also, **Squares**
Automobile parking station, leases for, 7.403
Building uses restricted to recreation, 7.403
Buildings on, power to erect, 3.552, 7.403
Control management and direction exercised by park commission, 3.552, 7.403
Leases of park land, 7.403
New parks, power to construct, 3.552
Taxation to support, 6.208, 6.400

INDEX

PART-TIME EMPLOYEES

Adjustment of salaries, 8.300
Eligibles list, filling positions from, 8.300
Recording as such, 8.402
Retirement system applicable to, 8.509
Salaries and wages, 8.300, 8.400, 8.401, 8.402

PATROL SPECIAL POLICE OFFICERS

Appointment and removal of, 3.536
Beats or territories, ownership of, 3.536
Qualifications for position of, 3.536
Workmen's compensation, right to, 8.515

PAYROLLS

Approval as requisite for payments, 8.400
Certification by commission secretary, 8.400
Class titles and numbers used on, 3.661
Controller, transmission to, 8.400
Examination of by commission secretary, 8.400
Part-time employees, 8.402
Team hiring included in, 8.400
Transmission to civil service commission, 8.400
Trucking services included in, 8.400
Verification of, 8.400
Warrants based on, 8.400

PEACE TIME DRAFT

Retirement service credits affected by, 8.520

PENALTIES

Books, refusal to produce, 2.400, 3.701
Subpoenas, refusal to obey, 2.400, 3.537, 3.701

PENSION FUNDS

Deposit of, 6.311
Temporary transfers or loans as excluding, 6.304

PER DIEM

Authorization by ordinance, 8.410

PERMITS

See Licenses and Permits

PERPETUAL SUCCESSION

City and county as having, 1.101

PERSONAL INJURY

Claims presented to controller, 8.803
Sidewalks and streets defects causing, liability for, 7.605

PERSONAL PROPERTY

City's power as to, 1.101
Employees' property lost or damaged in line of duty, repair or replacement of, 8.411
Police department care, restitution, disposal, 3.537
Power of city as to, 1.101
Sale by purchaser of supplies, 7.100
Title of gifts vested in city, 3.500

PERSONAL SERVICES

Payment for, 8.400

PERSONNEL DEPARTMENT

Civil service commission, as, 3.661

PETTY CASH FUNDS

Revolving funds used as, 6.308

PHYSICIANS AND SURGEONS

Civil service, exception from, 8.300
Director of health, as, 3.510
Fire department, 3.541
Health advisory board membership of, 3.510
Health service medical care, 8.431
Police department, appointment of, 3.533
Public health director as, 3.510
Retirement board, membership on, 3.670
San Francisco General Hospital, qualifications of administrator, 3.510

PIERS

Assigning use of, 7.403
Leases of, 7.403

PILOTS

Fire boats, see Fire Boats

PLACES

Licenses and permits for use of, 3.537, 6.402, 7.704

PLANNING DEPARTMENT

See City Planning Department

SAN FRANCISCO CITY CHARTER

PLANS AND SPECIFICATIONS

Approval by bureau of fire prevention, 3.545
Inspection of by bureau of fire prevention and public safety, 3.545
Modification, approval upon, 3.545
Projects for housing, etc., reports, 3.527
Report of bureau of fire prevention on, 3.545

PLATFORM EMPLOYEES

See Municipal Railway

PLAYGROUNDS

See also: Recreation Centers; Recreation Fields
Buildings on, power to erect, 3.552, 7.403
Control management and direction by commission, 3.552, 7.403
New playgrounds, power to construct, 3.552
Tax levies to support, 6.208, 6.400
Use restricted, 7.403

POLICE COMMISSION

Chief of police, appointment of, 3.532
Contingent fund for chief of police, allowance from, 3.539
Department, commission as part of, 3.530
Discipline hearings by, 8.343
Duties of, generally, 3.530
Mayor as appointing, 3.530
Membership of, 3.530
Narcotic fund, payments from, 3.539
Number of members, 3.530
Patrol special officers, appointment and removal of, 3.536
Powers of, generally, 3.530
Rules and regulations restricting private activities, etc., of officers and employees, 8.105
Salaries of members, 3.530
Secretary for, 3.530
Term of office, 3.530
Traffic regulations, see Traffic Control and Regulation

POLICE DEPARTMENT

Accident investigation bureau, see Accident Investigation Bureau
Adjustment of salaries by ordinance, 8.405
Applicants, qualifications of, 8.320, 8.321
Assignments, 8.451
Basic week of service, 8.451

Bureau of criminal information, designation and salary of, 3.531, 3.533
Chief of police —
 appointment of, 3.532
 appointments by, 3.533-3.535
 auctioneers examined by, 3.537
 contingent fund for, 3.539
 department, chief as part of, 3.531
 deputy chief, designation of, 3.533
 fund for, 3.539
 inspections of business by, 3.537
 inspectors appointed by, 3.534
 junk dealers examined by, 3.537
 municipal courts reports filed with, 4.101
 narcotic fund at disposal of, 3.539
 permit, power as to issuance and revocation, 3.537
 salary of, 8.405
 sheriff powers during riots, 3.537
 special police officers, appointment and removal of, 3.535
 subpoenas served by officer designated by, 2.400
 term of office, 3.532
 traffic control, 3.538
Citizenship of members, 8.100
Clean record, credit in examinations, 8.327
Commission, see Police Commission
Components of, 3.530
Contingent fund for crime investigation and detection, 3.539
Continuance of positions in, 3.530
Days off, 8.451
Death on duty, see Death From Injury on Police or Fire Duty
Deputy chief, 3.533
Detection of crime, fund for, 3.539
Disabilities —
 city payment to retirement system for, 8.515
 leaves for, 8.363
 medical treatment for, 8.515
 retirement board administering provisions as to, 8.515
 workmen's compensation benefits, 8.515
Disciplinary procedure, 8.343
Employees in, generally, 3.530 - 3.533
Funds, special, 3.539
Hazardous duty pay for motorcycle officers, 8.405(b)
Heroic conduct, reward for, 8.405
Holidays for members of, 8.451
Injury on duty, 8.515
Inspectors, 3.534
Investigation of crime, fund for, 3.539
Jail matron as retirement member, 8.545

INDEX

POLICE DEPARTMENT—Cont'd

Leave of absence, suspended member reinstated after, 8.344
Lieutenants, salary of, 8.405
Management by police commission, 3.530
Medical treatment for disability, 8.515
Meritorious service, credit in promotional exams, 8.327
Military leaves affecting service in, 3.531
Military service of eligibles affecting service in, 8.361
Motorcycle duty, compensation for, 3.531, 8.405
Narcotic fund for chief of, 3.539
Orders, reporting for before duty, 8.451
Other cities, salaries fixed by surveys of, 8.405
Overtime in, 8.451
Patrol drivers, salary of, 8.405
Patrol special officers, 3.536
Personal property care, restitution, disposal, 3.537
Physical requirements for applicants, 8.320, 8.321
Police officers or patrolmen —
 definition of, 8.405
 private employment and activities, rules against, 8.105
 salaries fixed by ordinance, 8.405
Police women as retirement members, 8.545
Premium pay differentials to members of, 8.405
Probationary period of appointment in, 8.340
Promotions —
 clean record considered, 8.327
 examinations for, 8.327
 meritorious service considered, 8.327
 ranks from which made, 8.327
 seniority of service considered, 8.327
Property care, restitution, disposal, 3.537
Property clerk, assignment of, 3.533
Ranks, 3.531
Reinstatement of suspended member after leave, 8.344
Residence of members by ordinance, 8.100
Retirement, see **Police Retirement**
Return to civil service rank after special assignment, 3.533
Roll call prior to duty, reporting for, 8.451

Salaries and wages, 3.530, 8.405, 8.451
 officers, 3.531, 8.405
 parity with fire department, 8.405
 suspended member reinstated after leave of absence, 8.344
 time for revision, certification, etc., 8.405(a)
Salary standardization, exception from, 8.401
Secretary —
 designation of, 3.533
 salary of, 8.405
Seniority of service, allowance in promotional examinations, 8.327
Sergeants, salary of, 3.531, 8.405
Service computation for compensation purposes, 8.405
Sick leave, generally, 8.363
Special police officers, appointment and removal, 3.535
Surgeon, 3.533
Surveys, fixing salaries and wages in accordance with, 8.405
Suspended member reinstated after leave of absence, 8.344
Traffic regulations, 3.538
Transfers upon disability, 8.350
Uniformed force, qualifications for applicants, 8.320
Vacation, service during, 8.440, 8.452
Working benefits, payments to members, 8.405
Workmen's compensation, entitlement to, 8.515
Years of service for compensation purposes, 8.405

POLICE OFFICERS

Equipment or other personal property damaged or lost in line of duty, repair or replacement of, 8.411
Traffic control, use for, 3.530

POLICE PROTECTION

Telephone system service for, 3.500

POLICE RETIREMENT

Actuarial equivalent —
 election as to receiving, 8.540
 retirement, with death benefits, 8.546
Adjustment for persons retired or dead prior to November 8, 1955, 8.550
Adjustment of salaries affecting, 8.405
Age —
 contributions based on, 8.555
 entrance into department, determination of, 8.555

SAN FRANCISCO CITY CHARTER

POLICE RETIREMENT—Cont'd

Age and service for—

- generally, 8.540, 8.543, 8.546
 - adjustments, 8.550, 8.551
 - aggregate total service, 8.546
 - compulsory retirement at seventy, 8.543
 - computation, 8.541, 8.555
 - continuous service necessary, 8.543
 - employment after, 8.557
 - 55 years age—
 - death allowance upon, 8.549
 - optional retirement, 8.546
 - 25 years service—
 - natural death upon, 8.549, 8.550
 - retirement upon, 8.546
 - 60 years age, service prior to, 8.546
 - 62 years age—
 - less than, retirement upon, 8.543
 - 25 years service, retirement upon, 8.543
 - 30 years service, retirement on option, 8.540
 - 65 years age—
 - retirement upon, 8.546
 - service under 25 years, 8.546
 - 66 years age, retirement upon, 8.546
 - 67 years age, retirement upon, 8.546
 - 70 years age, compulsory retirement upon, 8.543
 - 10 years service, incapacity retirement upon, 8.547
 - 25 years service—
 - actuarial value, allowance computed on, 8.546
 - death allowance upon, 8.549
 - optional retirement, 8.546
 - retired regardless of age, 8.546
 - service under, when 65 years of age, 8.546
 - 55 years age—
 - natural death upon, 8.549, 8.550
 - retirement upon, 8.546
 - 30 years service—
 - death allowance for, 8.549
 - natural death, allowance upon, 8.549, 8.550
 - optional retirement, 8.546
 - retirement upon, 8.543, 8.546
 - 62 years age, optional retirement, 8.540
- Age for retirement, 8.546, 8.549
- Allowances and benefits—
- actuarial equivalent—
 - death benefits, with, 8.546
 - election as to receiving, 8.540
 - adjustment, persons retired or dead prior to November 8, 1955, 8.550

- amount of, 8.540, 8.546, 8.550
 - apportionment of increase, 8.550
 - beneficiaries designated as receiving, 8.552
 - children's, see *infra*, **Children's Allowances**
 - continuance—
 - after January 8, 1932, 8.542
 - after natural death, 8.549, 8.550
 - death, see *infra*, **Death Benefits**
 - definition of, 8.545
 - disability affecting, see *infra*, **Disability**
 - election as to membership, after, 8.540
 - estate as receiving, 8.552
 - gainful employment, reduction, 8.557
 - illness from duty, effect of, 8.547
 - increase for person retired or dead prior to November 8, 1955, 8.550
 - limitation to charter provisions for, 8.540
 - monthly payments as, 8.545
 - natural death, on, 8.549, 8.550
 - parents, see *infra*, **Parents' Allowances**
 - part during life and part after death, 8.540
 - prior service, for, 8.540
 - percentage for prior service, 8.540
 - reduction because of—
 - gainful employment, 8.557
 - workmen's compensation, 8.540
 - termination of employment, refund upon, 8.553
 - widows, see *infra*, **Widows' Allowances**
 - workmen's compensation as reducing, 8.540, 8.551
- Amount of allowance, 8.546
- Apportionment of increase, 8.550
- Beneficiaries—
 - death benefits to, 8.542, 8.552
 - designated, allowance to, 8.552
 - receiving contributions, 8.555
- Benefits, 8.549, 8.555, 8.557
- Bodily injury, retirement for, 8.547
- Charter—
 - generally, see **Charter**
 - definition of, 8.545
- Children's allowances—
 - continuance after January 8, 1932, 8.542
 - death allowance, 8.548
 - effective as of November 2, 1948, 8.550
 - election as to, 8.549

INDEX

POLICE RETIREMENT— Cont'd

Children's Allowances—

- natural death of member, 8.549, 8.550
- no widow, pension in case of, 8.540
- option as to, 8.549
- widow's death, taking pension upon, 8.540

City's contributions for, 8.555

Compensation—

- city contributions based on, 8.555
- definition of, 8.545
- overtime excluded from, 8.545
- workmen's compensation, distinguished from, 8.545

Compensation earnable —

- definition of, 8.545
- "Rates of Compensation" for motorcycle policemen as meaning, 8.405

Compulsory retirement at seventy, 8.543

Continuance of benefits —

- after January 8, 1932, 8.542
- after natural death, 8.549, 8.550

Continuing credit of contributions prior to July 1, 1945, 8.555

Continuous service, necessity, 8.543

Contributions —

- accounts credited with, 8.555
- additional contributions by city, 8.540
- adjustment of account on transfers, 8.553
- age as basis of, 8.555
- amount of, 8.540
- appropriations for increases, 8.550
- beneficiary, payment to, 8.555
- city's—
 - generally, 8.555
 - application of, 8.555
 - disabled member, 8.515
 - increased allowances, 8.550
 - installment payment, of, 8.555
 - members contribution to other pension funds, 8.540
 - members on January 8, 1932, 8.540
- deductions for, 8.555
- deficit in, city's additional contributions, 8.540
- dependent contribution, 8.555
- disability payments, deducted for, 8.515
- election as to membership after, 8.540
- end of employment, refund upon, 8.553
- estate, payment to, 8.555
- increases for members retired or dead prior to January 1, 1951, contributions for, 8.550
- July 1, 1945, continuing credit of, 8.555

limitation upon, 8.540, 8.555

member's contributions, 8.540

normal rate as one third of allowance, 8.555

other assets, in fund with for joint participation, 8.555

prior contributions for prior service, pension from, 8.540

rate of, determination of, 8.555

redeposit of refund, 8.553, 8.554

refund —

- dependent contribution, 8.555
- end of employment or transfer, 8.540, 8.553
- separation from city service, 8.540
- salary deduction for, 8.555
- total, with interest applied to allowances, 8.555
- transfers, adjustment of accounts upon, 8.553
- transfers of funds for, 8.550

Corporal pay for, 8.541

Criminologist as member for, 8.545

Death —

before retirement, estate or beneficiaries receiving allowance, 8.552

natural death, allowances upon, 8.549, 8.550

on duty, see **Death From Injury on Police or Fire Duty**

Death benefits —

- after retirement, 8.552
- benefits as including, 8.545
- definition of, 8.545
- election as to, 8.546
- estate or beneficiaries receiving, 8.552
- increase for members retired or dead prior to November 8, 1955, 8.550
- monthly payments, as, 8.545
- natural causes, 8.540
- part retirement and part death benefits, 8.546
- retirement with, 8.546

Deductions from salary for, 8.555

Definitions, 8.545, 8.560

Disability —

actuarial equivalent, retirement upon with death benefits, 8.546

allowance on retirement for, 8.547

board considering retirement for, 8.547

calculations for persons retired or dead prior to January 1, 1951, 8.550

credits for service in other departments, 8.554

POLICE RETIREMENT—Cont'd

Disability—

- determination of percentage of, 8.547
- end of, allowance ceasing upon, 8.547
- natural death after retirement for, allowances upon, 8.549, 8.550
- recommendation as to retirement upon, 8.547
- recovery from, end of pension upon, 8.540
- retirement for, 8.540, 8.547
- return to service at end of, 8.540, 8.547

Election —

- children, parents, widows allowances, 8.549
- membership, 8.540
- part during life and part to beneficiaries, 8.540

Employment after, effect of, 8.557

Estate —

- allowance payable to, 8.540, 8.542, 8.552
- contributions received by, 8.555

Expert witness for city, serving after retirement, 8.511

Final compensation, definition of, 8.545

Future members, retirement of, 8.543

Gainful employment after, effect of, 8.557

Illness on duty, retirement for, 8.547

Incapacitation, requirement for, 8.547

Increase for members retired or dead prior to January 1, 1951 —

- apportionment of, 8.550
- contributions for, 8.550

Injuries, retirement for, 8.547

Installment payment of city's contributions to, 8.555

Interest, definition of, 8.545

Jail matron —

- membership, 8.545
- service, credit for, 8.554

Joint participation contributions held with other assets for, 8.555

July 1, 1945, membership on or after, 8.544

July 1, 1949, option as to membership after, 8.544

Marriage as necessary for widows allowances, 8.549

Member of police department definition of, 8.545, 8.560

Membership —

- after January 8, 1932, 8.543
- definition of, 8.560

July 1, 1945, and after, provisions affecting, 8.544

July 1, 1949, 166 members having option, 8.544

Military service, credit for, 8.554

Motor boat operator as member, 8.545

Natural death of member, allowances upon, 8.549, 8.550

Options —

- children, widows, parents allowances, 8.549

July 1, 1949, membership after, 8.544

retirement, 8.546

time and service, 8.540

Other departments, credits for service in, 8.554

Outside of city —

- death or disability, retirement provision covering, 8.545

retirement provisions applied to service, 8.560

Parents allowances —

- continuance after January 8, 1932, 8.542

death or injury of member on duty, 8.540

effective as of November 2, 1948, 8.550

election as to, 8.549

natural death of member, 8.549

option as to, 8.549

Patrol driver as member, 8.545

Pension, see supra, Allowances and Benefits

Photographer as member for, 8.545

Police woman as member for, 8.545

Prior service, pension for, 8.540

Ratios as to allowance, 8.546

Reductions on account of workmen's compensation, 8.540

Refund of contributions —

- dependent, 8.555
- end of employment or transfer, 8.540, 8.553

Retired person, see Retired Persons

Retirement allowance, see supra, Allowances and Benefits

Retirement board —

- generally, see **Retirement Board**
- definition of, 8.545

Retirement system, definition of, 8.545

Right of retirement, 8.556

Salaries and wages —

- corporal pay for retirement purposes, 8.541

deduction, 8.555

INDEX

POLICE RETIREMENT—Cont'd

Service and time credits —
 disability in line of duty, time credited, 8.515
 fire and police departments, service in, 8.554
 jail matron, service as, 8.554
 military service, for, 8.554
 other departments, service in, 8.554
 period required for retirement, 8.546, 8.549
 re-deposit of contributions to obtain, 8.554
 sheriff office service, 8.554
Social security coverage, exclusion from, 8.514
System, definition of, 8.545
Widows allowance —
 child taking on widow's death, 8.540
 continuance after January 8, 1932, 8.542
 contributions for, 8.555
 effective as of November 2, 1948, 8.550
 election as to, 8.549
 marriage on injury date required, 8.548, 8.549
 natural death of member, 8.549, 8.550
 option as to, 8.549
 re-marriage, payment until, 8.548, 8.549
 time of marriage required for, 8.549
Witness for city, service after retirement, 8.511
Woman protective officer as member for, 8.545
Workmen's compensation benefits as reducing allowances, 8.540, 8.551

POLICE SURGEON

Appointment of, 3.533
Salary of, 3.531

POLICING CONDITIONS

Licenses and permits for business affecting, 3.537, 7.704

POLICY DECLARATIONS

Ordinances effectuating, 9.108

POLITICAL ACTIVITIES

Suspension or dismissal resulting from, 8.311

POPULATION

Master plan including estimates of, 3.524

PORT AUTHORITY

Employees, rights, retirement provisions, etc., 3.583
Port commission, membership in, 3.582
Transfer by state to city, 3.582
 employees, affect on, 3.583
 retirement after, 8.505

PORT COMMISSION

Anchoring, regulation of, 3.581
Attorney's for legal work of, 3.585
Bay, controlled and managed by, 3.581
Boat operation, powers as to, 3.581
Bonds, powers, etc., as to, 3.581, 3.583
Budgetary procedures as applied to, 3.584
Chief executive of, port director as, 3.581
City attorney as legal advisor of, 3.584
Cold storage plants regulated by, 3.581
Commerce facilities regulated by, 3.581
Compensation of members, 3.580
Departments established by port director, 3.581
Docking, regulation of, 3.581
Duties vested in, 3.581
Employees continued in positions, 3.583
Equipment controlled and managed by, 3.581
Fiscal procedures applied to, 3.581
Fishing facilities regulated by, 3.581
Franchises by, 3.581
Harbor, management, government, etc., 3.581, 3.582
Leases of facilities, power as to, 3.581
Legal advisor, 3.585
Mayor appointing, 3.580
Membership of, 3.580, 3.582
Mooring, regulation of, 3.581
Navigation facilities regulated by, 3.581
Number of members in, 3.580
Official bonds of members, 3.580
Powers of —
 generally, 3.581
 control of harbor, 3.581
Properties and equipment possessed and controlled by, 3.581
Railroad regulated by, 3.581
Refrigeration plants regulated by, 3.581
Retirement benefits applicable to employees of, 3.581
Salaries of members, 3.580
Seniority of employees, reckoning of, 3.583

PORT COMMISSION—Cont'd

Terms of office in, 3.580
Towing, regulation of, 3.581
Utilities of harbor as vested in, 3.581
Vacancies filled by mayor, 3.580
Warehouses regulated by, 3.581
Wharves regulated by, 3.581

PORT DIRECTOR

Agreement for properties acquisitions by, 3.581
Appointment, powers, etc., 3.581
Bureau heads appointed and removed by, 3.581
Bureaus established by, 3.581
Department heads appointed and removed by, 3.581
Departments established by, 3.581
Duties of, generally, 3.581
Entire time devoted to duties, 3.581
Legal proceedings, powers as to, 3.581
Management of commission affairs by, 3.581
Powers of, generally, 3.581
Qualifications of, generally, 3.581
Salary as fixed by commission, 3.581

POSITIONS

Change in duties, notice to civil service commission of, 8.200
Creating of, 8.200
Emergency positions for unemployment relief, 8.333
Need for as indicated by civil service commission, 8.200
Notice to civil service commission as to creation or abolition of, 8.200

POSTING

Orders of department heads, 3.500
Rules and regulations of boards and commissions, 3.500

POWERS

Administrative code specifying, 2.307
Board of education, generally, 3.100
Board of supervisors, generally, 2.101
Boards, generally, 3.500
Chief probation officer of juvenile court, 4.105
City attorney, powers of, 3.401
City planning commission, generally, 3.520
City, powers of, generally, 1.102
Civil service commission, generally, 3.661
Commissions, generally, 3.500
Continuance of, 11.101, 11.102
County officers, generally, 3.700, 3.701

Department heads, generally, 3.501
Enumeration in charter as not exclusive, 2.101
Exercise as provided by charter, 2.101
Fire commission, generally, 3.540
Port commission powers, 3.581
Port director's powers, generally, 3.581
Public utilities commission, 3.591
Retirement board, 3.671
Specification in charter not exclusive, 1.101

PREMIUM PAY DIFFERENTIAL

Police department members as entitled to, 8.405

PREMIUMS

Official bond, city as paying, 3.500

PRESIDENTS

Board of supervisors —
appointing, 3.500
election of, 2.202
Boards appointing, 3.500
Commissions appointing, 3.500
Term of office —
board of supervisors, 2.100
boards, generally, 3.500

PRINTING

Municipal court annual reports, printing of, 4.101
Report of audit of controller's books, 3.305

PRIVATE OWNERSHIP

Reversion of park and recreation lands to, as avoided, 7.403

PRIVATE PRACTICE OR EMPLOYMENT

Restrictions as to, 8.105

PRIVATE PROPERTY

Art commission advice as to beautification, 3.601
Safety measures as to, ordered by director of public works, 7.604

PRIVILEGES

Licenses and permits for operation of, 3.537

PROBATION

Civil service, see **Civil Service Appointments**
Officers —
adult, see **Adult Probation**
juvenile, see **Juvenile Court Probation Officer**

INDEX

PROBATION BOARDS

Generally, 4.105

PROBATIONARY EMPLOYEES

Termination of employment, 8.329, 8.340

PROCESS

Mayor, service upon, 3.100

PRODUCE DISTRICT

Relocation, 7.701

PRODUCE INDUSTRY

Relocation, property transactions for, 7.701

PROFESSION

Private practice by officers and employees restricted, 8.105

PROHIBITED PRACTICES

Employment in firms by board or commission members, 8.105

Franchises, interest in, 8.105

Gifts from subordinates, 8.105

Interest in contracts, etc., 8.105

PROJECTS

Plans, reports, 3.527

PROMOTIONAL CAMPAIGNS

Port Commission conducting, 3.581

PROMOTIONAL EXAMINATIONS

Disability transfers, 8.350

PROMOTIONS

Ascertained merits considered in, 8.326

Examinations for, see **Civil Service Examinations**

Fire department, see **Fire Department**

Police, see **Police Department**

Ranks from which made, announcement of, 8.326

Records of service considered in, 8.326

Secret information for purpose of as prohibited, 8.325

Service record considered in, 8.326

Tests, see **Civil Service Examinations**

PROPERTY

Continuance of rights and titles, 11.100

Department, director in charge, 7.403

Director, see **Director of Property**

Employees' property damaged or lost in line of duty, repair or replacement of, 8.411

Food industry relocation, property transactions for, 7.703

Loss or damage due to negligence, reports on, 7.100

Ordinance providing for custody of, 6.310

Police department care, restitution, disposal, 3.537

Rules and regulations as to, 3.500

Surplus as transferred to other department, 7.101

Tax limitation, 6.400

PROPERTY CLERK

Police department property clerk, 3.530

PROPOSED BUDGET

Generally, see **Budget**

PROTEST

Civil service examination questions and answers, 8.322

PUBLIC ADMINISTRATOR

Attorney appointed by, salary standardization applicable to, 8.401

Attorneys, appointment and removal, 3.510

Bond of, 8.101

City officer, status as, 1.103

Finance and records department inclusion in, 3.510

Officer of city, status as, 1.103

PUBLIC ASSEMBLAGE

Fire inspections of places of, 3.545

Plans for altering, etc., places of, examination and approval of, 3.545

PUBLIC DEFENDER

See also: **County Officers**

Advice to impecunious persons, duty to give, 3.403

Appointment in office of, 3.403

Assistant, 3.403, 3.406

Civil service applicable to employees of, 3.406

Defense of impecunious persons, duty of, 3.403

Duty to defend and advise, 3.403

Elective officer, as, 3.403, 9.100

General election, election at, 9.100

Generally, 3.403

Official bond of, 3.403

Practice of law qualification, 3.403, 3.406

Qualifications, of, generally, 3.403

Salary of, 3.403, 8.401

Term of, 9.100

PUBLIC EMERGENCY

See Emergencies

PUBLIC EMPLOYEES'

RETIREMENT SYSTEM

Port Authority employees, 3.583

Sheriff's office personnel, provisions for membership, 8.507

PUBLIC HEALTH DEPARTMENT

Administrator of San Francisco General Hospital, appointment of, 3.510

Advisory board, see Health Advisory Board

Assistant director, appointment of, 3.510

Director, see Director of Health

Functions included in, 3.510

Health advisory board, see Health Advisory Board

Personnel included in, 3.510

Physicians or surgeons, director as, 3.510

Reports by health advisory board, 3.510

PUBLIC IMPROVEMENTS

See Public Works and Improvements

PUBLIC LANDS

Abandonment of, when not needed for park purposes, 7.403

PUBLIC NUISANCES

Dangerous building subject to abatement as, 3.545

PUBLIC SAFETY

Bureau, see Bureau of Fire Prevention and Public Safety

PUBLIC SCHOOLS

Generally, see Schools

Board of education controlling, 5.100

PUBLIC TUMULT

Chief of police having sheriff powers during, 3.537

PUBLIC UTILITIES

Accident reserve fund, appropriations for, 6.407

Accounting, 3.596

Acquisition by city — policy of, 3.599

valuation work performed utilities commission, 3.591

Additions, financing of, 6.205

Appraisals to determine depreciation, 6.407

Betterments, financing of, 6.205

Board of supervisors —

capital improvements, approval of, 6.205

having power to lease or sell, 7.404

procuring reports from utilities commission on acquisitions, 3.599

Bond —

election on petition of electors, 7.303

exception from tax levy authority, 6.208

interest payable by bond sale, 7.301

validity not affected by error in proceedings, 7.303

Bonds, capital improvements, for, 6.205

Budget estimates for —

exceeding revenues, approval of, 6.205

generally, 6.200

increases by supervisors prohibited, 6.203

Budget of expenditures in excess of estimated revenues, limitation of approval of, 6.205

Capital expenditures financed by bonds, restrictions as to, 6.205

Capital improvements, financing of, 6.205

Civil service, employees deemed appointed under, 8.300

Claims adjusted by commission, 3.598

Collection for services, 3.598

Commission, see Public Utilities Commission

Compensation reserve fund, appropriation for, 6.407

Constructions or repairs over \$2,000 requiring contracts, 7.200

Continuance of employees in, 8.300

Deficiency, tax levy to meet, 3.598

Depreciation determined by appraisals, 6.407

Electors petitioning for acquisition, report from commission thereon, 3.599

Expenditures in excess of estimated revenues, limitation on approval of budget for, 6.205

Expenses apportioned among, 3.592

Extensions, appropriation for, 6.407

Extensions, financing of, 6.205

Fares, see *infra*, Rates and Fares

Foreign trade zones, as, 3.597

Franchises, see Franchises

Functions, continuance of, 11.102

Funds, appropriation from, 6.407

INDEX

PUBLIC UTILITIES—Cont'd

Gradual acquisition as policy, 3.599
Harbor utilities vested in port commission, 3.580
Hetch-Hetchy, 3.592
Improvements, appropriations for, 6.407
Insurance reserve fund, appropriations for, 3.596
Interest funds, appropriations for, 3.596
Interest on bonds payable by bond issue, 7.301
Leased utilities employees established under, 8.300
Leases by board of supervisors, 7.404
Maintenance, appropriations for, 3.596
Manager, see Manager of Utilities
Municipal railway, see that title
Net income computation, depreciation determined for, 6.407
Operating expenses appropriation for, 3.596
Ordinances granting privileges, effective date of, 2.304
Outside of city, service for, 3.598
Ownership by city, policy of, 3.599
Pension charges, appropriation for, 6.407(a)
Petitioning bond election for, 7.303
Public interest or necessity demanding acquisition construction or completion, 3.599
Rates and fares —
 board of supervisors, submission of changed to, 3.598
 cable cars, 3.595
 changes, hearings on, 3.598
 classes of service, varying scales for, 3.598
 commission fixing, 3.598
 deficiency, tax levy to meet, 3.598
 hearings as to, 3.598
 income sufficient for expenses, 3.598
 municipal railway, 3.595
 notice of intention to revise, 3.598
 outside of city, rates for, 3.598
 revenue sufficient for expenses, 3.598
Receipts deposited in treasury, 6.407
Reconstruction —
 appropriation for, 6.407
 fund for, 6.407
Repairs, appropriations for, 6.407
Replacement, appropriations for, 6.407
Residence in city, 8.300
Revolving funds for, 6.308
Sales by board of supervisors, 7.404
Sinking funds, appropriation for, 3.596

Surplus fund, appropriation for, 6.407
Surpluses, transfer to general fund, 6.407
Valuation in acquisition as performed by public utilities commission, 3.591, 3.599
Water department, 3.592

PUBLIC UTILITIES COMMISSION

Abandonment of lines requiring recommendation of, 3.595
Accounts as kept separately by, 3.596
Acquisitions, valuation work in, 3.591
Agricultural properties, leasing of, 7.402
Airport jurisdiction, succession to, 3.690, 3.691
Attorneys for, 3.594
Bids on leases, approval of, 7.402
Budget estimates —
 exceeding utilities revenues, approval of, 6.205
 filed and acted upon, 6.202
 hearing on, 6.202
Chief executive, utilities manager as, 3.593
City attorney as attorney for, 3.594
Claims adjusted by, 3.598
Collections for services, power as to, 3.598
Compensation of members, 3.590
Contracts for heat, light and power, 3.591
Cost analysis obtained by, 3.591
Creation of, 3.590
Discontinuance of service, power as to, 3.598
Duties of, generally, 3.591
Exchange of transportation transfer privileges arranged by, 3.591
Expenses apportioned among utilities, 3.592
Fares, power as to, 3.595, 3.598
Fees as paid by, 3.591
Foreign trade zones, operation of, 3.581
Hearings, budget estimates as subject of, 6.200
Heat, light and power contracts by, 3.591
Hetch-Hetchy project as department under, 3.592
Inspection rules, subject to, 3.591
Joint use of facilities arranged by, 3.591
Leasing of water department property for agricultural purposes, 7.402
Legal advisor of, city attorney as, 3.594

PUBLIC UTILITIES

COMMISSION—Cont'd

Manager, see **Manager of Utilities**
 Mayor appointing members of, 3.100, 3.590
 Municipal railway as department under, 3.592, 3.595
 Number of members, 3.590
 Ordinances and regulations of public works department observed by, 3.591
 Ordinances as to street railway regulation proposed by, 3.595
 Policies determined by, 3.591
 Powers of, generally, 3.591
 Public works department excluding functions of, 3.510
 Rates, power as to, 3.595, 3.598
 Recall, members subject to, 3.590, 9.108
 Recommendation of manager prior to action, 3.591
 Regulation of street railway by, 3.595
 Removal, members subject to, 3.590, 9.108
 Revenue estimates obtained by, 3.591
 Surpluses, deposit to credit of general fund, 6.407
 Suspension, members subject to, 3.590
 Terms of office, 3.590
 Transfer privileges exchanges arranged by, 3.591
 Valuation work in acquisition proceedings, 3.591
 Water department as department under, 3.592

PUBLIC WAYS

Art commission advice as to, 3.601

PUBLIC WELFARE DEPARTMENT

See: **Social Services Department**

PUBLIC WORKS AND IMPROVEMENTS

Accounting for cost of, 7.200
 Acts of God delaying performance of contracts for, 7.203
 Acquisitions for future projects, recommendations as to, 6.202
 Additional projects recommendations, 6.202
 Advertising and awards as to contracts as established by ordinance, 7.205
 Assessment of cost against private property benefited thereby, 7.302
 Bids for projects under \$2,000, 7.200
 Board of supervisors, enforcing charter provisions as to, 7.204

Bonds on contracts —

ordinance providing for, 7.205
 performance within time limit, covering, 7.203

Budget estimate increases by mayor, 6.203

Capital improvement projects, see **Capital Improvement Projects**

Charter as governing procedure for, 7.600

Citizenship required of workers under, 7.204

City department as bidding on contracts for, 7.200

City planning department —
 action requisite to appropriation for, 6.202
 schedule of projects filed with, 6.202

Collusion as to contracts for, penalties, 7.206

Concurrence of planning department implied, 6.202

Conformance with master plans, 6.202

Contracts —
 bonds on, 7.203, 7.205
 procedure established by ordinance, 7.205

wages under as equal to private employment, 7.204

Cost per unit, contracts for, 7.203

Department of city planning functions as to, 3.524

Department of, see **Public Works Department**

Director, see **Director of Public Works**

Eight hour day for work under contract for, 7.204

Emergency as justifying expeditious manners, 7.200

Estimates as required for approval of, 7.200

Expenses paid from revolving funds, 7.302

Extension of time for completion of contract, 7.203

Gross price contracts as authorized, 7.203

Hours of work under contract for, 7.204

“Improvement”, definition of, 7.204

Indebtedness incurred by voters for improvements, authorization for, 7.302

Joint approval of contracts for, 7.200

Liquidated damages provision in contracts for, 7.203

Master plans, conformance of proposed projects with, 6.202

PUBLIC WORKS AND

IMPROVEMENTS—Cont'd

Modification of projects to conform to master plans, 6.202
 Orders, projects under \$2,000 performed under, 7.200
 Ordinances —
 charter provisions enforced by, 7.204
 procedure governed by, 7.600
 referral to and report by city planning department, 6.202
 Preferences to locally manufactured goods in contracts for, 7.204
 Preferential treatments as to contracts for, penalties for, 7.206
 Price preference for locally manufactured goods in contracts for, 7.204
 Progressive payment for —
 authorized on contracts, 7.202
 revolving fund for, 7.302
 Projects —
 not previously submitted, supplemental appropriations for, 6.202
 over \$2,000 requiring contracts, 7.200
 "Public work", definition of, 7.204
 Real property sale proceeds appropriated to, 7.401
 Recommendations as to programs for, 6.202
 Residence required of workers under contracts for, 7.204
 Revolving fund —
 appropriations for, 7.603
 board of supervisors establishing, 7.603
 credit of city used for, 7.603
 generally, 7.302
 interest on use as added to contracts, 7.603
 reimbursement by special assessments, 7.603
 special assessment projects financed by, 7.603
 Schedules of projects filed with city planning commission, 6.202
 Special assessment projects, 6.410, 7.603
 State law governing procedures for, 7.600
 Streets as improved after paving, 7.601
 Sub-contracts for public works, 7.204
 Supplemental appropriations for projects not previously submitted, 6.202
 Surplus transferred to, 6.305
 Time limits as fixed in contract, 7.203
 Working hours under contract for, 7.204

PUBLIC WORKS DEPARTMENT

Administration by director of public works, 3.510
 Building plans, reviewing and checking, 3.545
 Contracts for recreation and park facilities, award and administration, 3.552
 Delinquent assessment, notifying tax collector of, 3.510
 Director of, see **Director of Public Works**
 Engineering functions of recreation and parks department transferred to, 3.552
 Functions included in, 3.510
 Management by director, 3.510
 Personnel included in, 3.510
 Recreation facilities building contracts, administration of, 3.552
 Street design for traffic, complaints relating to, 3.510, 3.538, 3.552
 Telephone exchange as included in, 3.510
 Traffic accident data, receiving copies of, 3.532, 3.552
 Traffic control devices, complaints relating to, 3.510, 3.528, 3.552
 Traffic functions re, 3.510, 3.552
 Transfers of engineering functions and personnel to, 3.552
 Utilities commission as excluded from, 3.510

PUBLICATION

Administrative code, 2.307
 Advertising for bids, 7.200, 10.100
 Appropriation ordinance draft as published, 6.204, 10.100
 Awards of contracts, 7.103
 Bids advertising of, 7.200, 10.100
 Budget message of mayor, 6.203
 Certificate as to correctness of ordinance codification, 2.306
 Charter publication of, 2.306, 10.100
 Civil service exams announcement, 8.320
 Details of proposed budget, 6.205
 Digest of decisions in published charter, 2.306
 Emergency measures, 2.305
 Emergency ordinances, substitute newspaper, when publication permitted, 2.300
 Initiative ordinances in published charter, 2.306
 Loose-leaf for ordinances, 2.306
 Master plans, publishing of, 3.524
 Meaning of, 10.100

PUBLICATION—Cont'd

Notice —
 ordinances, 2.300
 passage of finality of measures, 2.305
 Official newspaper, in, 10.100
 Orders of department heads, 3.500
 Ordinances —
 generally, 2.300
 book form, 2.306
 clerk of board of supervisors responsible for, 2.203, 2.306
 passage for second reading, publication upon, 2.300
 Prior certification of publication of ordinances being valid, 2.306
 Property sales, time and place for, 7.401
 Proposed budget as published, 6.204
 Readvertising for bids, 10.100
 Rejection rights in advertisement for bids, 7.200
 Resolutions —
 clerk of board of supervisors responsible for, 2.203
 generally, 2.300
 Rules and regulations of boards and commissions, 3.500
 Schedule of compensations, proposal of, 8.400

PUBLICITY EXPENDITURES

Budgeting and control of by chief administrative officer, 3.201

PURCHASE AND USE TAX

See Sales Tax

PURCHASE ORDERS

Accounts of revenue and expenses showing amounts of, 6.302
 Allotments to departments as affecting controller's certification of, 6.301
 Average use record as basis for, 7.103
 Chief administrative officer approving \$2,000 purchase orders, 7.100
 Funds pre-requisite, 7.100
 Purchaser's record of average use as basis for, 7.103
 Requisitions as basis for, 7.103
 Unencumbered balances as pre-requisite for, 7.100

PURCHASER OF SUPPLIES

Administration of purchasing department by, 3.510
 Average use record as basis for purchases, 7.103
 Bids rejected by, 7.103
 Bills as approved by, 7.103

Cash purchasing when advantageous, 7.104
 Central garages in charge of, 7.100
 Central store rooms in charge of, 7.100
 Certifications of material standards as set by, 7.100
 Chief administrative officer as appointing, 3.510
 Contracts for purchases approved by, 7.200
 Contractual services, 7.100
 Department head purchases as approved by, 7.100
 Discounts on bills, taking advantage of, 7.104
 Exchanges of used materials by, 7.100
 Government surplus property purchases, 7.101
 Inspection of purchases by, 7.100
 Inventory of material supplies and equipment maintained by, 7.100
 Joint approvals with chief administrative officer, 7.103
 Loss or damage of property as reported by, 7.100
 Obsolete equipment as sold by, 7.100
 Outside city, approval of purchaser for, 7.100
 Periodic check of property by, 7.100
 Purchases, see **Purchases**
 Regulations for purchases as made by, 7.100
 Rejection of articles below standards, 7.100
 Revolving fund —
 cash purchases, use for, 7.104
 departmental procurement methods established by purchaser, 7.102
 discounts, use for, 7.104
 payment of bills from, 7.104
 transfers of appropriations to, 7.104
 warrants drawn from for payments, 7.104
 Standardization of materials by, 7.100
 Tests of material standards set by, 7.100
 Used materials as sold by, 7.100
 Vouchers as approved by, 7.103
 Warehouses in charge of, 7.100

PURCHASES

Approval of bills before drawing warrants, 7.103
 Approvals by purchaser of supplies, 7.103
 Bids, see **Bids**
 Bills for, duty as to, 3.501
 Checking of, duty as to, 3.501

INDEX

PURCHASES—Cont'd

City department as bidding on contracts for, 7.200
Claims for, duty as to, 3.501
Construction operation purchases, 7.100
Contract —
 \$1,000 purchases, 7.100
 \$2,000 purchases, 7.100
Department heads making, 7.100
Emergency purchases on informal bids, 7.100
Inspection by department as ordered by purchaser of supplies, 7.100
Joint approval of contracts for, 7.200
Open market purchases, 7.100
Ordinance determining monetary limits, 7.102
Outside city operations, purchases for, 7.100
Procedure for, 7.102
Produce market relocation, lands for, 7.701
Progressive payments as authorized, 7.202
Purchase orders for, 7.100
Purchaser of supplies as making, 7.100
Regulations made by purchaser of supplies, 7.100
Rejection of articles below standards, 7.100
Requisitions —
 department heads issuing or authorizing, 3.501
 interference with prohibited, 2.401, 3.101
 power as to, 3.501
 purchase orders and contracts as based on, 7.103
Specifications —
 department as furnishing, 7.100
 purchaser of supplies setting, 7.100
Standard brand, purchase of, 7.100
Surplus commodities, 7.101

PURCHASING DEPARTMENT

Bureau of supplies included in, 3.510
Central garages operated by, 3.510, 7.100
Central stores operation by, 3.510, 7.100
Purchaser of supplies as administrator of, 3.510
Shop operated by, 3.510, 7.100
Warehouses, operation by, 3.510, 7.100

Q

QUALIFICATIONS FOR OFFICE

Board of Education members, 5.100
City attorney, generally, 3.401
District attorney, generally, 3.402
Generally, 8.100
Port commission members, 3.582
Port director, generally, 3.581
Retirement board members, 3.670
Vacancy resulting from negligence as to, 8.104
Warrant and bond deputy, 3.402

QUORUM

Art commission, 3.600
Board majority as being, 3.500

R

RAILROADS

Fees as regulated by port commission, 3.581
Port commission, promotion of transportation by, 3.581
Port railroads regulated by commission, 3.581
Street repair as duty under franchises, 7.601

RATES

Airport, 3.691
Port commission as regulating and collecting, 3.581
Public utilities, see **Public Utilities**

RATIFICATION

Remote interests, prior contracts by officers and employees having, 8.105

RATING

Civil service examinations, see **Civil Service Examinations**

READINGS

Appropriation ordinance amended re-advertised prior to, 6.204

REAL ESTATE DEPARTMENT

Exposition auditorium managed by, 3.510
Right-of-way agent as included in, 3.510

REAL PROPERTY

Acquisitions, director appraisal for, 7.400
 Additional land purchased from proceeds of sale, 7.401
 City attorney's duty to examine and approve title to, 3.401
 Condemnation, appraisal for, 7.400
 Department, director in charge, 7.400
 Director, see **Director of Property**
 Emergency measures affecting lease of purchase, prohibition of, 2.301
 Excess property, leasing of, 7.402
 Exchanges of, 7.401
 Idle property, director's recommendation as to, 7.400
 Leases of, see **Leases**
 Maps of as kept by director, 7.400
 Port commission legal proceedings as to, 3.581
 Power of city as to, 1.101
 Proceeds of sale, disposition of, 7.401
 Purchase price shown in record of, 7.400
 Records kept by director, 7.400
 Report annually as to estimated value of, 7.400
 Sale —
 ordinance authorizing, 7.401
 recommendations of boards, officers, commissions, 7.401
 when not needed for recreation or park purposes, 7.403
 Tenders received in sale of, 7.401
 Time and place of sale as advertised, 7.401
 Title —
 examined and approved by city attorney, 3.401
 gifts vested in city, 3.500
 Trading of, 7.401
 Unused property, director's recommendations as to, 7.400

REAPPOINTMENT

Probationary employee terminating employment, reappointment to eligibility list of, 8.340

RECALL

See **Initiative, Referendum and Recall**

RECEIPTS

Daily statements of, 6.311
 Revenues, see **Revenues**

RECOMMENDATIONS

Department heads' duty to make, 3.501

RECORDER

City officer, status as, 1.103
 Finance and records department, inclusion in, 3.510
 Officer of city, status as, 1.103
 Registrar of voters, functioning as, 3.201

RECORDS

Bids for open market purchases, 7.100
 Civil service, 3.661
 Examination of, power as to, 3.701
 Master plan amendment action, record of, 3.522
 Meetings of boards and commissions, 3.500
 Moneys and properties in joint custody safe, 6.310
 Municipal court records, responsibility for, 4.100
 Remote interests of officers, employees, in contracts, sales, etc., 8.105
 Rules and regulations as to, 3.500
 Service record of employees, 3.661

RECREATION AND PARK COMMISSION

Appointments by mayor, 3.550
 Buildings, power to erect, 3.552, 7.403
 California academy of sciences buildings —
 land for, 3.640
 plans, approval of, 3.641
 California palace, president as ex-officio trustee of, 3.620
 Compensation, members serving without, 3.550
 Control and direction of facilities by, 3.552
 Creation of, 3.550
 Efficiency, duty to organize for, 3.552
 Engineering functions, transfer to public works, 3.552
 Ex-officio member of park commission, general manager as, 3.551
 Funds for improvements by, 3.552
 General manager of, appointment of, 3.551
 Lease of land, power as to, 3.551, 7.403
 Manager, appointment of, 3.551
 M. H. de Young Memorial Museum —
 grounds, care of, 3.630
 president as ex-officio trustee of, 3.630
 Number of members of, 3.550
 Personnel transfers to public works, 3.552

INDEX

RECREATION AND PARK

COMMISSION—Cont'd

- Program of high standards, policy as to, 3.552
- Recreation program of high standard, policy as to, 3.552
- Rental of stadiums or recreational fields, power as to, 7.403
- San Francisco unified school district, cooperation with, 3.552, 3.553
- Secretary, appointment of, 3.551
- Stadiums, power to lease, 7.403
- Terms of office in, 3.550
- Transfer of engineering functions and personnel to public works, 3.552

RECREATION AND PARK DEPARTMENT

- Automobile parking station revenues credited to, 7.403
- Avenues, see Avenues
- Buildings permits for use of, 7.403
- Buildings —
 - power of commission to erect, 3.552, 7.403
 - use restricted to recreation purposes, 7.403
- Chief executive officer, general manager as, 3.551
- Civil service, general manager's appointee exempt from, 3.551
- Director of zoo, appointment and removal, 3.551
- Efficiency, organization for, 3.552
- Executive secretary to general manager of, 3.551
- Fund, automobile parking station revenues credited to, 7.403
- General manager —
 - appointment of, 3.551
 - executive secretary to, 3.551
- Lands abandoned for park or recreation purposes, 7.403
- Lease of lands, power as to, 7.403
- Manager, appointment of, 3.551
- Organization, powers as to, 3.552
- Parking revenues credited to, 7.403
- Playgrounds, see Playgrounds
- Program of high standards, policy of, 3.552
- Recreation centers, see Recreation Centers
- Recreation fields, see Recreation Fields
- Recreation program of high standards, policy of, 3.552
- San Francisco unified school district, cooperation with, 3.552, 3.553
- Secretary, appointment of, 3.551
- Stadiums, lease or rental, 7.403

- Superintendent of parks, appointment and removal of, 3.551
- Superintendent of recreation, appointment and removal of, 3.551
- Squares, see Squares
- Tax levy for, 6.400

RECREATION CENTERS

- See also: Playgrounds; Recreation Fields
- Buildings on, power to erect, 3.552
- Control management and direction by commission, 3.552
- New recreation centers, power to construct, 3.552

RECREATION FIELDS

- See: Playgrounds; Recreation Centers
- Games, lease for, 7.403
- Lease by recreation and park commission, 7.403
- Rental of by recreation and park commission, 7.403
- Special events, lease for, 7.403

RED CROSS

- Service with, see American Red Cross

REDEMPTION FUNDS

- Tax levies for, 6.208

REDEMPTIONS

- Appropriations for as subject to administration by chief administrative officer, 6.300, 6.301

REDEVELOPMENT PLANS

- Produce and related industries affected by, property for relocation of, 7.701

REDUCTION OF FORCES

- See also: Layoffs
- Automation causing, 8.351
- Department heads, power as to, 3.501
- Removal and suspension provisions not affecting rules as to, 8.341, 8.342

REFRIGERATION PLANTS

- Port commission as regulating, 3.581

REFUNDING BONDS

- State law as governing, 7.300

REFUNDS

- Retirement contributions, 8.553, 8.577

SAN FRANCISCO CITY CHARTER

REGISTRAR OF VOTERS

Appointment of employees, 9.102
Certificate of sponsors, preservation of, 9.104
Certification of statement of qualifications, 9.104
Challenge of initiative referendum and recall petitions, procedure on, 9.109
City officer, status as, 1.103
Civil service applied to employees under, 9.102
Conduct of elections, 9.102
Declaration of candidacy —
filed with registrar, 9.104
mailing to voters, 9.105
preservation of, 9.104
Election officers appointed by, 9.106
Elections controlled by, 9.102
Finance and records department, inclusion in, 3.510
Health service board elections, conduct of, 3.680
Management of elections, 9.102
Officer of city, status as, 1.103
Precincts established by, 9.102
Recorder designated to function as, 3.201
Registration controlled by, 9.102
Sample ballots, mailing of, 9.105
Signatures challenged on initiative referendum and recall of petitions, procedures upon, 9.109
Special elections called by, 9.103
Temporary forces appointed by, 9.102

REINSURANCE

Risks under workmen's compensation, 8.515

RELOCATION

Displaced food industries affected by redevelopment plans, lands for, 7.701

REMOVAL OF OFFICERS AND EMPLOYEES

See also: Discipline of Officers and Employees; Suspension of Officers and Employees

Appeal to civil service commission, 8.341, 8.342
Appointing officer —
hearing charges, 8.341
refusal to act, hearing in event of, 8.341
Approval required for, 3.501
Assessor's office, 3.400
Board of education as subject to, 5.100

Cause on written charges required for, 8.341
Charges required for, 8.341
Chief administrative officer —
approval required, 3.501
subject to, 3.200
Citizens, charges filed by, 8.341
City attorney's office, 3.401
Civil service commission examining proceedings for, 8.341
Civil service commission members, 8.107, 8.310
Concealment as causing, 8.325
Controller as removed by supervisors, 3.300
Criminal convictions, duty of mayor upon, 8.107
Department heads as appointing officer for, 3.501
Discourteousness as cause for, 8.341
Dishonesty as cause for, 8.341
District attorney's office, 3.402
Elected officers, assistants and employees, 3.406, 8.107
Fire department members, 8.343
Fraud as causing, 8.325
Habitual intemperance as cause for, 8.341
Hearings as to, 8.341, 8.342
Immoral conduct as cause for, 8.341
Inattention as cause for, 8.341
Incompetence as cause for, 8.341
Insubordination as cause for, 8.341
Intemperance as cause for, 8.341
Interest in city transactions as cause for, 8.105
Lay-offs rules not affected by charter provisions as to, 8.341
Mayor's secretaries and stenographers, 3.100
Neglect of appointing officer to act, hearing in event of, 8.341
Non-civil service employees, 3.406, 3.501
Officers, generally, 8.107
Outside activities as cause for, 8.105
Patrol special police officer, 3.536
Police department members, 8.343
Political activity as cause for, 8.341
Probationary period, during, 8.340
Procedure for, 8.107
Public defender's office, 3.403
Public hearing of charges, 8.341
Record of hearing furnished to civil service commission, 8.341
Reduction in force rules not affected by charter provisions as to, 8.341
Refusal of appointing officer to act, hearing in event of, 8.341

INDEX

REMOVAL OF OFFICERS AND

EMPLOYEES—Cont'd

School board members, generally, 8.107
Sheriff's office, 3.405
Social service commission members, 3.570
Special police officer, 3.535
Superintendent of schools, 5.102
Teachers, 5.101
Treasurer's office, 3.405
Trial of fire and police members, 8.343
Vacancy upon, 8.104
Writing, proceedings to be, 8.341
Written charges required for, 8.341

RENTALS

Stadiums and recreational fields, 7.403

REPAIRS

Employees' property damaged in line of duty, 8.411

REPEALS

Amendment of ordinance by, 2.306
Codifying ordinances, repeal by, 2.306

REPLACEMENT

Employees' property lost or damaged in line of duty, 8.411

REPORTS

Actuarial reports for retirement benefit changes, 8.500
Actuarial reports required for health service plans, 8.422
Annual reports of municipal courts, 4.101
Appraisals by director of property, 7.400
Audit of controller's books by accountant, 3.305
Bureau of fire prevention and public safety, 3.545
California academy statement of expenses and income, 3.643
California palace of legion of honor report to controller, 3.623
Capital improvements recommendation report by city planning department, 6.202
Citizen having right to report of controller's books audit, 3.305
City planning department, see **City Planning Department**
City planning reports on budget items, 6.200, 6.205
Class titles and numbers used on, 3.661
Controller's annual financial report, 3.302

Cost reports for departments submitted to mayor, 3.500

Department head's duty to make, 3.501

Departmental conduct, reports as to, 2.400, 3.701

Departmental operation reports submitted to mayor, 3.500

False reports in civil service examinations prohibited, 8.325

Financial reports, see **Financial Reports**

Fire code, noncompliance, with, 3.545
Fire prevention and public safety bureau, 3.545

Health advisory board reporting on public health matters, 3.510

M. H. de Young Museum report to controller, 3.633

Municipal court reports, 4.100, 4.101

Offices report as to conduct of, 2.400, 3.701

Official bond reports, 3.304

Planning department reports on ordinances and resolutions, 3.527

Printing of municipal court annual report, 4.101

Property loss due to negligence as reported, 7.100

Public works accounts as reported, 7.200

Quarterly report of controller, 3.302
Real property values, annual report as to, 7.400

Set-back ordinances, enforcement by zoning administrator, 7.502

Suspension reports exonerated from record, 8.342

Zoning ordinance amendments, reports on, 7.502

REQUISITIONS

Civil service appointments, 8.329

Purchase, see **Purchases**

RESIDENCE IN CITY

Appointment as requiring, 8.100
Bus operator, municipal railway, 8.320
Chief administrative officer, 3.200
Conductor on municipal railway, 8.320

Definition of, 8.100

Director of planning subject to requirements, 3.522

Elective office, qualification for, 8.100

Employment, requirement during term of, when, 8.100

Exceptions as to requirement of, 8.100

SAN FRANCISCO CITY CHARTER

RESIDENCE IN CITY—Cont'd

Leased utilities employees not required, 8.300
Motorman on municipal railway, 8.320
Municipal railway employees, 8.320
Office, requirement during term of, 8.100
Public works contracts, workers on, 7.204
Superintendent of schools as having, 5.102
Termination resulting in vacancy of office, 8.104
Vacancy in office upon termination, 8.104

RESIGNATION

Audit of accounts upon, 3.303
Definition of resigned teacher or employee, 8.425
Health service membership after, 8.425
Notice to civil service commission as to, 8.200
Vacancy of office by, 8.104

RESOLUTIONS

See also: Ordinances
Action by board of supervisors, 2.300
Adoption of, generally, 2.300
Appropriations in, reduction of, 2.302
Approval by mayor, 2.302
"Ayes", voting by, 2.300
Capital improvement project calling bond election for, 7.304
Committee reference required for, 2.300
Continuance in force, 1.101
Disapproval by mayor, 2.302
Expenditure resolutions as dependent upon balance and income, 6.306
Failure to return as approval by mayor, 2.302
Files kept by clerk of board of supervisors, 2.203
Index by clerk of board of supervisors, 2.203
Majority vote required for, 2.300
Master plan amendments, planning commission resolution as to, 3.522
Mayor, transmittal to, 2.302
Meetings of supervisors fixed by, 2.100
"Noes", voting by, 2.300
Notice of passage or finality, 2.305
Number of subjects, limitation on, 2.300
Objections of mayor in writing, 2.302

Planning department reporting on resolutions affecting public ways and buildings, 3.527

Publication —
after passage, 2.305
clerk of board of supervisors, by, 2.203

Reconsideration after veto, 2.302
Recording by clerk of board, 2.305
Reference to committee required for, 2.300

Subject expressed in title, 2.300

Time —
action by mayor, 2.302
adoption, 2.300

Title expressing subject of, 2.300
Transmittal to mayor, 2.302
Unanimous measures, time for action by mayor on, 2.302
Veto by mayor, 2.302
Votes on, recording of, 2.300

RESTORATION

City government, in case of disaster, 2.101

RETIRED PERSONS

Appointive positions, exclusion from, 8.509, 8.511, 8.557, 8.581
Board membership prohibited, 8.509, 8.511, 8.557, 8.581
City service prohibited, 8.509, 8.511, 8.557, 8.581
Commission membership, exclusion from 8.509
Continuance —
fire department pensions after January 8, 1932, 8.566
police pensions after January 8, 1932, 8.542
Death allowance for police and firemen, 8.548, 8.572
Elective positions, exclusion from, 8.509, 8.511, 8.557, 8.581
Employment, effect on pension, 8.509, 8.511, 8.557, 8.581
Expert witness, payment for service as, 8.511
Fire department pensions continued after January 8, 1932, 8.566
Gainful occupations by, effect of, 8.509, 8.511, 8.557, 8.581
Health service benefits for, 8.425, 8.428
Health service participation, provisions for, 3.680
Jury service by, 8.509, 8.511
Miscellaneous employees, post-retirement service, 8.509, 8.511

RETIRED PERSONS—Cont'd

Payment for city service as prohibited, 8.509, 8.511, 8.557, 8.581
 Police pension continued after January 8, 1932, 8.542
 Retirement board membership excluding, 3.670
 State teachers retirement membership, withdrawal of, 8.512
 War-time service by, 8.511
 Witness, payment for service as, 8.511

RETIREMENT

See also: **Firemen's Retirement; Police Retirement; Retirement System**
 Absences as affecting time and service credits, 8.509, 8.520

Actuarial—

equivalent, election as to, 8.509, 8.512
 report for benefit changes, 8.500
 valuations, city contributions determined by, 8.509, 8.555

Actuary—

appointment of, 3.670
 contribution rates recommended as final, 8.510

Additional contributions to replace reduced allowances under social security provisions, 8.514

Age for—

contribution rate based on, 8.509
 elective officers, 8.501, 8.502
 requirement as to, 8.509
 60 years, 8.509
 62 years, 8.507
 65 years—
 actuarial value, allowance upon, 8.509
 fifteen years service, benefits from city contributions, 8.509
 miscellaneous members, 8.509
 66 years, 8.509
 67 years, 8.509
 68 years, 8.509
 69 years, 8.509
 70 years—
 elective officers, 8.501, 8.502
 miscellaneous members, 8.507, 8.509

Allowances and benefits—

additional contributions to replace allowances reduced under social security provisions, 8.514
 aggregation of different services credits for, 8.509
 board judging as to, 3.670
 city contributions providing portion of, 8.509
 contributions applied to provide, 8.509

cost of living increase, 8.526
 death, see *infra*, **Death Benefits**
 disability retirement, 8.509
 early retirement, option as to modification of allowance, 8.514
 elective officers receiving, 8.501
 evening schools service included in computation of, 8.509
 former employees entitled to, 8.509
 gainful employment, reduction because of, 8.509, 8.511
 increase for members retired prior to July 1, 1947, 8.530
 increases, see *infra*, **Increases**
 minimum allowance, 8.509
 minimum of retirement system and social security allowance, 8.514
 miscellaneous officers and employees, 8.509
 modification affecting increases in, 8.530, 8.532, 8.534
 part-time service and compensation, including of, 8.509
 raises, see *infra*, **Increases**
 raises for employees, retired prior to July 1, 1947, 8.530
 rates, 8.526
 reductions because of social security coverage, 8.514
 retirement allowance as included in, 8.509
 social security coverage as requiring reductions in, 8.514
 teachers benefits, cancellations upon withdrawal from system, 8.512
 teachers, proportional benefits, 8.507, 8.509
 workmen's compensation benefits as affecting, 8.509

Amendments—

effective date, 8.514
 miscellaneous officers and employees, provisions governing, 8.509

Application, elective officer, 8.501

Assets of system in same fund with contributions, 8.509

Average final compensation, definition of, 8.509

Beneficiaries—

death benefits to, 8.509
 increases in benefits affecting, 8.530, 8.532, 8.534
 modified allowance, increases in, 8.530, 8.532, 8.534

Benefits, see supra, Allowances and Benefits

Board of education employees withdrawing and retiring under state system, credits for, 8.513

SAN FRANCISCO CITY CHARTER

RETIRED PERSONS—Cont'd

- Board of supervisors —
 effectuation of provisions, 8.500
 exclusion from system, 8.501
 Board, see **Retirement Board**
 Children of miscellaneous employees,
 death benefits for, 8.509
 City contribution to funds, 8.509
 Community property interest in bene-
 fit, survivor receiving, 8.509
 Compensation —
 absences, compensation earnable
 during, 8.509
 deductions from, 8.509
 definition of, 8.509
 earnable, defined, 8.509
 part-time reduced to full time for
 calculation of, 8.509
 Compensation earnable —
 death benefits consisting of, 8.509
 definition of, 8.509
 military service contributions based
 upon, 8.520(c)
 Compulsory, 8.507
 Conflict in provisions, effect of, 8.509
 Continuous service —
 contributions during military service
 as affecting, 8.520
 definition by supervisors, 8.520
 military service, effect of, 8.520
 war effort leaves as, 8.520
 Contributions —
 accounts for, 8.509
 actuary's determinations as to, 8.509
 additional, above normal amount,
 8.525
 additional, to replace reduced allow-
 ances under social security, 8.514
 adjustment under social security
 coverage, 8.514
 age as basis of rate, 8.509
 amount of, 8.525
 appropriations for —
 generally, 8.530, 8.532, 8.534
 prior service liabilities, 8.510
 April 1, 1922, court personnel con-
 tributions for service prior to,
 8.503
 assets of system in same fund with,
 8.509
 base pay in military service as affect-
 ing, 8.520
 city as making, 8.509, 8.510, 8.520,
 8.525, 8.530, 8.532, 8.534
 adjustment under social security
 coverage, 8.514
 retroactive time of social security
 coverage, contributions required
 for, 8.514
 cost of living increase in benefits and
 allowances, effect of, 8.526
 court personnel, periods prior to
 membership, 8.503
 credits to school district for retire-
 ments under state system, 8.513
 death benefits, consisting of, 8.509
 deductions from compensation for,
 8.509
 defaults during military service
 8.520
 effective dates of provision as affect-
 ing, 8.509
 election as to reductions under social
 security coverage, 8.514
 elective officers, for, 8.501, 8.502
 emergencies salary deductions not
 affecting, 8.406
 former employee withdrawing or
 leaving, 8.509
 funds charged with, 8.510
 general fund, charging to, 8.510
 increases in benefits, contributions
 to meet, 8.530
 individual accounts for, 8.509
 installments of city contributions,
 8.509
 interest credited to accounts, 8.509
 interest on, see *infra*, Interest
 joint participation of city and mem-
 bers contributions, 8.509
 layoffs, disposal in event of, 8.509
 military service, during, 8.520
 miscellaneous officers and employ-
 ees, 8.509
 municipal court personnel, periods
 prior to membership, 8.503
 municipal railway employees former-
 ly in military service, 8.520
 officers made appointive, for, 8.500
 options as to amount of, 8.525
 other assets in same fund with,
 8.509
 parking authority members, 8.504
 percentage of, 8.525
 percentages city contributions de-
 termined by, 8.509
 prior service—
 city's contributions for, 8.510
 contributions credited, 8.509
 rate based on age, 8.509, 8.510
 reduction under social security cov-
 erage, contribution required for,
 8.514
 reductions to school district for re-
 tirements under state system,
 8.513

INDEX

RETIRED PERSONS—Contrib.—Cont'd

- refunds —
 - ceasing employment, 8.509
 - fire department, upon transfer from, 8.509
 - military service persons in, 8.520
 - police department, upon transfer from, 8.509
- retroactive time of social security coverage, contribution required for, 8.514
- salary deductions for, 8.509
- school district —
 - charges against, 8.510
 - credit for retirement under state system, 8.513
- school funds charged with, 8.510
- service rendered prior to membership for, 8.502
- social security coverage affecting, 8.514
- superior court personnel, periods prior to membership, 8.503
- teachers, proportion, 8.507, 8.509
- transfers from police and fire departments, refund upon, 8.509
- withdrawal on end of employment, 8.509
- Cost of living increase, 8.526, 8.535
- Court employees and attaches, 8.503
- Crimes involving moral turpitude, effect of conviction of, 8.509
- Death —
 - after retirement, benefits on, 8.509
 - before retirement, benefits on, 8.509
 - former employees, benefits in event of, 8.509
- Death benefits —
 - generally, 8.509
 - former employees, 8.509
 - part retirement allowance and part death benefits, election as to, 8.509
- Disability —
 - end of allowance upon recovery from, 8.509
 - restoration to service upon recovery from, 8.509
 - retirement board considering, 8.509
 - retirement for, ten years service required, 8.509
- Early retirement, option as to modification of allowances, 8.514
- Effective dates of provisions as affecting contributions credits, 8.507, 8.509
- Elections —
 - contributions disposal upon end of employment, 8.509
 - moral turpitude, withdrawal of contributions by member removed for conviction of crime involving, 8.509
 - survivor receiving death benefits, 8.509
- Elective officers, of, 8.501, 8.502
- Employment after, effect of, 8.509, 8.511
- Entitlement to after completion of services, 8.509
- Expert witnesses for city, service as after retirement, 8.511
- Federal social security, see specific references this title, using key words "social security", and Social Security Coverage
- Fifteen years service, sixty-five years age, benefits from city contributions, 8.509
- Fifty-five years, after, with twenty years service, 8.509
- Fire department —
 - credit for service in, 8.509
 - retirement of employees, see Firemen's Retirement
- Former employees as entitled to benefits, 8.509
- Fund, see Retirement Fund
- Gainful employment after, effect of, 8.509, 8.511
- Harbor commission employees having benefits of, 3.582
- Increases —
 - benefits for persons retired prior to July 1, 1947, 8.530
 - cost of living increase, 8.526
 - July 1, 1947, persons retired prior to, 8.533
 - July 1, 1952, persons retired prior to, 8.532
 - July 2, 1952, persons retired prior to, 8.534
 - April 1, 1966, persons retired prior to and after July 1, 1947, 8.535
 - July 1, 1967, persons retired prior to, 8.526
- Installments of city contributions, 8.509
- Interest on contributions —
 - generally, 8.509
 - court personnel, contributions for period prior to membership, 8.503
 - definition of, 8.509
- Japanese evacuees, absence affecting credits, 8.520

RETIRED PERSONS—Cont'd

Joint participation in variation results, city and member contributions engaging in, 8.509
 Layoffs, contributions disposal in event of, 8.509
 Members, definition of, 8.509
 Military service affecting credits for, 8.503, 8.520
 Minimum allowance under combined retirement system and social security coverage, 8.514
 Miscellaneous officers and employees—benefits to survivors of, 8.509
 definition of, 8.509
 elective officers included with, 8.502
 membership, 8.509
 provisions as to, 8.509
 time for retirement, 8.509
 Modification of allowance on early retirement, 8.514
 Moral turpitude, effect of conviction for crime involving, 8.509
 Municipal railway employees, benefits, 8.404, 8.520
 Options —
 contributions, amounts of, 8.525
 court personnel not already members, 8.503
 elective officers having, 8.501, 8.502
 membership, 8.501, 8.502, 8.503, 8.509
 modification of allowances on early retirement, 8.514
 time of retirement, 8.501, 8.502
 Pacific gas and electric leases, persons employed under, 8.508
 Parking authority employees, 8.504
 Part-time service reduced to full time for calculation purposes, 8.509
 Percentages determining city contributions to fund for, 8.509
 Police department —
 credit for service in, 8.509
 retirement of employees, see **Police Retirement**
 Port authority employees, 8.505
 Prior contributions, crediting of, 8.509
 Prior service of, 165 members credited, 8.509
 Probation officer of juvenile court subject to, 4.105
 Raises for persons retired prior to July 1, 1947, 8.530
 Raises for persons retired prior to July 1, 1952, 8.532
 Raises for persons retired prior to July 2, 1952, 8.534
 Rate of contribution for, 8.509

Reduction because of gainful employment, 8.509, 8.511
 Refund of contributions on end of employment 8.509
 Retirement allowance, definition of, 8.509
 Right, upon completion of service, 8.509
 Salaries for purposes of —
 generally, 8.509
 officers over \$1,000 per month, 8.501
 Saving clause in provisions as to, 8.509
 School district credits for retirement under state system, 8.513
 Service credits, see *infra*, **Time and Service Credits**
 Service required for —
 generally, 8.507, 8.509
 continuous, see *supra*, **Continuous Service**
 elective officer, 8.501, 8.502
 prior service of elective officers, 8.502
 10 years —
 disability after, 8.509
 miscellaneous members, 8.507, 8.509
 20 years —
 elective officers, 8.501
 miscellaneous members, 8.509
 30 years —
 miscellaneous members, 8.507
 60 years age, benefits from city contributions, 8.509
 Sheriff's department, 8.506
 Social security coverage, 8.514; see specific references in this title, using key word "social security coverage"; see also title **Social Security Coverage**
 State system —
 benefits, effect of, 8.507, 8.513
 credits to district, 8.513
 health service membership after transfer to, 8.425
 teachers under, 8.506-1
 withdrawals and retirement under state system, credits for, 8.513
 State teachers retirement, withdrawal of member, 8.512
 implementation of state law by board of supervisors, 8.506-1
 Survivors of miscellaneous officers and employees, benefits for, 8.509
 System —
 generally, see **Retirement System**
 definition of, 8.509

INDEX

RETIRED PERSONS—Cont'd

Teachers —

benefits as proportionate, 8.507, 8.509
contributions as proportionate, 8.507, 8.509
resignation and retirement under state system, credits for, 8.513
salaries determining proportion of contributions and benefits, 8.507, 8.509
state benefits as affecting, 8.507
state or city system, 8.506-1
Time and service credits—
absences as affecting, 8.509
aggregation of, for different services, 8.509
April 1, 1922, court personnel service prior to, 8.503
court personnel, prior to membership, 8.503
disability in armed service affecting computation of, 8.520
election as to service prior to membership, 8.503
evening schools service included, 8.509
fire department service, inclusion of, 8.509
firemen, upon transfers to other departments, 8.577
military service affecting, 8.520
parking authority members, 8.504
peace-time draft affecting, 8.520
photographic reporters, prior to membership, 8.503
police department service included with, 8.503
police, upon transfers to other departments, 8.553
prior service of 165 members, 8.509
prior to membership of court personnel contributions to obtain, 8.503
time credit, generally, 8.509
transfers from fire or police department, 8.509
war effort leaves affecting, 8.520
Transfers from police and fire departments, effect of, 8.509
Undersheriffs, membership in public employees' retirement system, 8.507
Underwriters Fire Patrol service as affecting, 8.562
War effort leaves affecting credits for, 9.520
Withdrawal of contributions on end of employment, 8.509

Withdrawal of State Teachers Retirement System members, 8.512
Witness for city, service after retirement, 8.511
Workmen's compensation as affecting benefits under, 8.509

RETIREMENT BOARD

Actuary, appointment of, 3.672
Benefits, sole judge as to, 3.671
Consulting actuary appointed by, 3.672
Creation of, 3.670
Disability retirement considered by, 8.509
Duties, generally, 3.671
Funds controlled by, 3.671
Investments of funds, control of, 3.671
Life insurance official as member of, 3.670
Mayor appointing members of, 3.670
Membership of, 3.670
Oaths administered by actuary or secretary, 3.672
Powers, generally, 3.671
President of supervisors as member of, 3.670
Qualifications of members, 3.670
Retired persons excluded from, 3.670
Secretary appointed by, 3.672
Term of office, 3.670
Workmen's compensation laws administered by, 8.515

RETIREMENT FUND

Reserve to meet increases, 8.530, 8.532, 8.534
Transfers to meet increases in benefits, 8.530, 8.532, 8.534

RETIREMENT SYSTEM

See also: **Firemen's Retirement; Police Retirement**
Actuarial reports for changes in, 8.500
Actuary recommendations as basis of, 8.510
Adjustments because of social security coverage, power to make, 8.514
Administrative costs met by city, 8.510
Adult probation officer subject to provisions, 4.105
Age, exclusion because of, 8.500
Allowances on retirement, 8.511
adjustment, 8.526, 8.530 - 8.534
continuous service, 8.520
Amendments, actuarial reports for, 8.500
Board members excluded from provisions, 8.500, 8.501

SAN FRANCISCO CITY CHARTER

RETIREMENT SYSTEM—Cont'd

Board of supervisors, exclusion from provisions, 8.501
Board, see **Retirement Board**
Commission members excluded from, 8.500, 8.501
Continuance of existing provisions, 8.500
Contributions to, 8.525
 credit on, 8.513
Court employees and attaches as members of, 8.503
Creation of, 8.500
Definition of, 10.100
Elective officers —
 membership, 8.500 - 8.502
 options as to provision applicable, 8.502
Exclusions from, 8.500, 8.501
Fire boats reassignments and reappointments affecting rights under, 3.546
Fire department members, see **Firemen's Retirement**
Health service participation by members of, 8.420; and see **Health Service**
Inclusions in, 8.500 - 8.509
Management of by board, 3.671
Membership of —
 generally, 8.500 - 8.509
 fire department, 8.565 - 8.568
 police department, 8.540 - 8.544
Miscellaneous employees under, 8.507, 8.509
Mortality tables as basis of, 8.510
Municipal court employees and attaches as members of, 8.503
Officers made appointive, exclusion from, 8.500
Pacific gas and electric employees, 8.508
Parking authority employees, 8.504
Part-time persons under, 8.509
Police, see **Police Retirement**
Port authority employees, 8.505
Prior service liabilities met by city, 8.510
School department, applicability to, 8.507
Service tables as basis of, 8.510
Sheriff's department, 8.506
Social security coverage, 8.514
State Teachers' Retirement System, withdrawal of members from City System, 8.512
Substitute employees under, 8.509
Superior court employees and attaches as members of, 8.503

System, definition of, 10.100
Tables as basis of, 8.510
Teachers, applicability to, 8.506-1, 8.507
Temporary employees under, 8.509
War, definition for purposes of, 8.520
Workmen's compensation benefits and premiums, paid by, 8.515

REVENUE AND EXPENSE ACCOUNTS

Items required, 6.302
Unencumbered balance in, 6.302

REVENUE APPROPRIATIONS

Unused balance, transfers of, 6.306

REVENUES

Accounts and accounting procedure for —
 appropriation ordinance as authority for, 6.300
 generally, see **Accounts and Procedure**
Automobile parking station revenues, credit to recreation and park department funds, 8.403
Budget estimates submission including statement of, 6.200
Controller's quarterly report as to, 3.302
Deficiencies during public emergencies as balanced by salary deductions, 8.406
Estimates —
 mayor to supervisors, 6.203
 submission with budget estimates, 6.200
Excess collections as surplus, 6.306
Quarterly report of controller as to, 3.302

REVERSIONS

Avoidance of upon abandonment of recreation and park lands, 7.403

REVIEW

Civil service examination papers, 8.322

REVOLVING FUNDS

Audit of by controller, 3.303
Establishment of, 6.308
Public improvements, 7.302, 7.603
Purchase limits set by ordinance, 7.102
Purchaser's see **Purchaser of Supplies**

REWARDS

Fire department heroic or meritorious conduct, 8.405
Police department heroic or meritorious conduct, 8.405(a)

INDEX

RIGHT-OF-WAY AGENT

Real estate department as including, 3.510

RIGHTS AND POWERS

Ordinance or resolution, exercised by, 1.101

RIOTS

Chief of police having sheriff powers during, 3.537

RULES AND REGULATIONS

Activities, employments, etc., of officers and employees, restrictions on, 8.105

Chief administrative officer as making, 3.201

Civil service, changes in, 3.661

Fees for licenses as covering costs of, 6.402

Power to make and enforce, 1.101

Private employment and practice of officers and employees, restrictions on, 8.105

Social services department, enforcement of, 3.572

S

SALARIES AND WAGES

Actual service time as limit upon, 8.400

Adjustment —

fire department salaries, 8.405(c)

police department salaries, 8.405(c)

Advancement —

methods provided for, 8.400(a)

prohibition as to payment, 8.400(b)

Approval of payroll before payment of, 8.400

Art commission members serving without, 3.600

Assessor, 3.400, 8.401

Assistant attorney, generally, 3.406

Attorney appointed by public administrator, salary standardization applicable to, 8.401

Basic hourly rates, municipal railway employees, 8.404

Board of education members, 5.100

Board of permit appeals member, 3.650

Board of supervisors fixing, 8.400(a) members of, 2.100

Bureau of fire prevention and public safety, 3.540, 3.542, 3.545, 8.405

California palace of legion of honor trustees serving without, 3.620

Carmen, for, 8.404

City attorney, 3.401, 8.401

Civil service commission —

members, 3.660, 8.310(a)

proposed schedule of, 8.400(h)

Collective bargaining contracts as basis of standardization, 8.403

Consistent with private employment, fixing of, 8.400(a)

Continuance of, 1.101, 11.100, 11.101

Contracts with industry as basis of standardization, 8.403

Controller, 8.401

Corporal in police department, for retirement purposes, 8.541

Deductions —

emergencies, 8.406

health service, for, 8.420, 8.429

jury fee payments as, 8.400

police and fire retirement, 8.555, 8.579

retirement contributions, 8.509

Department heads as fixing, 8.400(a)

Director of public works, 3.510

Disability transferees, 8.350

District attorney, 3.402, 8.401

Earnable, see Compensation Earnable

Emergencies, see Salary Deductions

During Emergencies

Establishment, generally, 8.400

Fire boats personnel reassigned to fire department, 3.546

Fire department, 8.405

Full compensation for services, as, 8.400

Groups and crafts contracts with industry as basis for, 8.403

Health advisory board members serving without, 3.510

Health service employees fixed by board, 8.420

Hourly salaries converted to weekly, etc., 8.400(a)

Increases, limitation by salaries for similar services, 8.400(h)

Incumbents salaries on January 1, 1931, higher than standard compensations, continuance of, 8.400(a)

Inmate help, fixing by department heads, 8.400(a)

Institutional help, fixing by department heads, 8.400(a)

Interference with prohibited, 2.401, 3.500

Intermediate salaries in schedule of, 8.400(a)

Jury service affecting payments of, 8.400

Law library employees, 4.104

Library commission serving without, 3.560

SAN FRANCISCO CITY CHARTER

SALARIES AND WAGES—Cont'd

Like compensation for like service, 8.400(a)
Limitation of payment to actual service time, 8.400
Maintenance as salary for purpose of emergency deductions, 8.406
Manager of utilities, 3.593
Maxima salaries in schedule of, 8.400(a)
Maximum deductions during public emergencies, 8.406
Mayor, salary of, 3.100
Medical director fixed by board, 8.420
M. H. de Young Museum trustees serving without, 3.630
Military leaves affecting rights to, 8.360
Minima salaries, 8.400(a), 8.400(b)
Misconduct in presenting claims for, 6.303, 8.400(b)
Municipal court employees, 4.102
Municipal railway employees, 8.300, 8.400
Non-civil service appointments, time limit, 8.332
Official misconduct in presenting claims for, 6.303, 8.400(b)
Ordinances for, see **Salary Ordinances**
Other governmental services, in accord with, 8.400(a)
Part-time employees fixing by department heads, 8.300, 8.400, 8.402
Payroll approval before payment of, 8.400
Per diem compensation converted to weekly, etc., 8.400(a)
Period for payment of, 8.400
Planning commission members, 3.520
Police commissioners, 3.530, 3.538
Police department, 3.531, 8.405(a), 8.451
Port commission, members, 3.582
Private employment, in accord with, 8.400(a)
Public administrator's attorney, 3.510
Public utilities commission members, 3.590
Public works contract, workers under, 7.204
Public works director, 3.510
Rates fixed by supervisors, 2.101
Recorder when functioning as registrar of voters, 3.201
Recreation and park commission members serving without, 3.500
Retirement board members serving without, 3.670 - 3.672
Retirement deductions for, 8.509, 8.555, 8.579

Review of collective bargaining agreements, revision on, 8.403
Revision of rates under collective bargaining agreements, 8.403
Salaries standardization, 8.401
Schedules of, see **Schedules of Compensation**
Schools, see **School Department; Teachers**
Semi-monthly payment of, 8.400(b)
Sheriff, of, 3.404, 8.401
Similar services, increases limited to services for, 8.400(h)
Specialized services, fixing in accord with private employment, 8.400(a)
Standardization, see **Salary Standardization**
Superintendent of schools, 5.102
Survey fund for, 8.400(a)
Surveys for police department, fixing in accordance, 8.405(a)
Teachers, 8.402
Temporary appointment, time limit upon, 8.332, 8.333
Trades and crafts, 8.403
Transfer of disabled persons affecting, 8.350
Treasurer, 3.405, 8.401
Vacation pay, 8.440
Vacation rights not affecting, 8.440
War memorial trustees serving without, 3.610
Welfare commission members serving without, 3.570
Withholding from teachers salaries, 5.101

SALARY ATTACHED TO THE RANK

Fire department "rate of compensation" as meaning, 8.405(c)

SALARY DEDUCTIONS DURING EMERGENCIES

Appropriation ordinance as fixing, 8.406
Board, room and laundry as salary for purposes of, 8.406
Continuance limited to anticipated emergency period, 8.406
Earthquakes emergencies, deductions during time of, 8.406
Economic emergencies, deductions during time of, 8.406
Fire emergencies, deductions during time of, 8.406
Flood emergencies, deductions during time of, 8.406
Hourly earnings, method of deducting from, 8.406

**SAL. DEDUCT. DURING
EMERGENCIES—Cont'd**

Installments, deductions made in, 8.406
Maintenance as salary for purpose of, 8.406
Maximum deductions, 8.406
Percentages allowed during public emergencies, 8.406
Per diem compensation, method of deducting, 8.406
Retirement system contributions not affected by, 8.406
Reversion to respective funds, 8.406
Salary ordinance as fixing, 8.406
Temporary deductions, deemed as, 8.406

SALARY ORDINANCES

Amendment of —
fire department salary revisions, for, 8.405(c)
increases, for, 6.207
police department salaries, for, 8.405(a)
Appropriation ordinance, passing at the same time as, 6.207
Civil service commission check as to legality of positions and rates, legal basis for, 6.207
Class titles and numbers used on, 3.661
Continuing of positions by, 6.207
Controller's check as to legality of positions and rates, legal basis for, 6.207
Creating of positions by, 6.207
Emergency deductions figures in, 8.406
Fire department compensation, 8.405
Individuals or individual positions listed by, 6.207
Legal basis for check of positions and rates, as, 6.207
Municipal railway compensation for, 8.404
Number of positions established and enumerated by, 6.207
Part-time employees recorded on, 3.661
Pay periods determined by, 8.400
Police department compensation in, 8.405
Rates of compensation established and enumerated by, 6.207
Referendum, exemption from, 9.108
Salaries not subject to standardization as fixed by, 8.400
Schedule of compensations, accord with, 8.401 8.405

Segregation of positions by, 6.207
Seniority increases covered by amendment, 6.207
Standardization establishing rates enumerated by, 6.207
Subdivisions for departments and organizations, 6.207

SALARY STANDARDIZATION

Appointive officers subject to, 8.401
Attorney appointed by public administrator as subject to, 8.401
Bus operator, see infra, Municipal Railway Employees
Contracts with industry as basis for, 8.403
Determination of rates as affected by, 8.400(h)
Disability transfers excepted from, 8.350
Elective officers subject to, 8.401
Groups or crafts, as basis for, 8.403
Hourly salary converted to weekly, etc., 8.400
Investigations by civil service commission, 3.661
Mayor's salary in accordance, 3.100
Municipal railway employees, 8.404
average of other cities as maximum, 8.404
basic hourly rates, 8.404
benefits, 8.404
bus operators, 8.404
certification of schedules of other cities, 8.404
coach operators, 8.404
instructors, 8.404
maximum rates, when applicable, 8.404
other benefits, wages not including, 8.404
other cities, standards based on, 8.404
overtime for holiday work, 8.404
platform employees, 8.404
surveys, 8.404
trainees, rates for, 8.404
wage schedule not in excess of other cities, fixing of, 8.404
Officers subject to, 8.401
Other government services, in accordance with, 8.400
Per diem compensation converted to weekly, etc., 8.400
Private employment, in accordance with, 8.400
Public defender, of, 8.401
Recommendation of commission as to, 3.661

SAN FRANCISCO CITY CHARTER

SALARY STANDARDIZATION

—Cont'd

- Review of collective bargaining agreements, revision upon, 8.400
- Salary ordinance enumerating rates established by, 6.207
- Schedule of compensations for, see **Schedule of Compensations**
- School positions as subject to, 5.101
- Specialized services fixed in accord with nearest comparable, 8.403
- Surveys by civil service commission, 3.662
- Transfers for disability as excepted from 8.350

SALES

- Harbor revenue bonds, 3.581, 3.583
- Interest in city transactions prohibited, 8.105
- Land not needed for recreation or park purposes, 7.403
- State law controlling sales of recreation and park lands, 7.403

SALES TAX

- Legislation and agreements, powers as to, 6.412

SALVAGE OF PROPERTY

- Fire marshal, duties of, 3.544
- Police officers as aiding, 3.544

SAN FRANCISCO

- Appearance in courts, 1.101
- Bequests, power to receive, 1.101
- Boundaries, 1.100
- Cash position as shown by reports, 3.302
- Charitable purposes, receiving property for, 1.101
- Chief administrative officer having charge of affairs of, 3.200, 3.201
- Continuance of rights and liabilities, 11.100
- Conveyance of property, power of, 1.101
- Defending in courts, 1.101
- Donations, power to receive, 1.101
- Enjoyment of property, power of, 1.101
- Extension of boundaries, 1.100
- Financial condition as shown by quarterly report, 3.302
- Fiscal year of, 6.200
- Functions, continuance of, 11.101
- Gifts, power to receive, 1.101
- Holding property, power of, 1.101
- Laws, power to make and enforce, 1.101
- Leasing of property, power of, 1.101

- Legal capacity, 1.101
- Municipal corporation, continuance as, 1.100
- Ordinances, power to make and enforce, 1.101
- Perpetual succession of, 11.100
- Personal property, power as to, 1.101
- Powers of —
 - generally, 1.101, 11.102
 - vested in board of supervisors, 2.101
- Property, power as to, 1.101
- Purchase, power of, 1.101
- Real property, power as to, 1.101
- Receiving property, power of, 1.101
- Regulations, power to make and enforce, 1.101
- Rights and powers appropriate, city as having, 1.101
- Seal of, 1.101
- Selling of property, power of, 1.101
- Suing in courts, 1.101
- Trusts property, power to receive, 1.101

SAN FRANCISCO GENERAL HOSPITAL

- Administrative duties of assistant director of public health, 3.510
- Administrator, appointment of, 3.510

SAN FRANCISCO LAW LIBRARY

See **Law Library**

SAN FRANCISCO SYMPHONY ORCHESTRA

- Taxes for support of, 6.208

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

- Board of education, see **Board of Education**
- Credit for employees retiring under state system, 8.513
- Health system membership, 8.420, 8.425
- Recreational activities, direction of, 3.553
- Recreation and park commission, cooperation with, 3.553
- Retirement contribution credit for retirements under state system, 8.513

SCHEDULE OF COMPENSATIONS

- Action by board of supervisors, 8.401
- Advancement provided for, 8.401
- Amendments of, 8.401
- Budget estimates accord with, 8.401
- Comparison of proposed with existing, publishing of, 8.401

SCHED. OF COMP.—Cont'd

Economic conditions requiring changes, 8.401
 Effective dates of, 8.401
 Facts and data as basis for, 8.401
 Fixing of, 8.401
 Intermediate salaries provided in, 8.401
 Investigation and survey as basis for, 8.401
 Like compensations for like service, 8.401
 Limitations on salaries by proposed schedule, 8.400(h)
 Minima salaries provided in, 8.401
 Ordinance adopting, 8.401
 Part-time employees, 8.402
 Publication of with existing schedule, 8.401
 Revisions, economic changes warranting, 8.401
 Salaries and wages paid being those fixed in, 8.401
 Salary ordinance accord with, 8.401
 School department employees, for, 8.401, 8.402
 Supervisors as fixing, 2.101
 Survey data as basis for, 8.401
 Transmission to board of supervisors, 8.401

SCHOOL BOARD

See also: **Board of Education**
 Removal of members, 8.107
 Suspension of members, 8.107

SCHOOL DEPARTMENT

Board, see **Board of Education**
 Cafeteria employees subject to civil service, 5.103
 Civil service applicable to employees, 5.101 - 5.103
 Monies, board regulating as to, 5.101
 Salaries and wages —
 department head as fixing, 8.401
 excess payment reimbursed, 5.101
 prompt payment provided for, 5.101
 schedule of, 5.101
 twelve equal payments, 5.101

SCHOOL DISTRICT

See **San Francisco Unified School District**

SCHOOL DISTRICT EMPLOYEES

Social security coverage for, 8.514;
 and see titles **Retirement**; **Social Security Coverage**

SCHOOLS

Cafeteria employees subject to civil service, 5.103
 Department heads not tenured, 5.101
 Deputy superintendent not tenured, 5.101
 District, see **San Francisco Unified School District**
 Duties of board as to, 5.101
 Fire inspections, 3.545
 Maximum tax levy as exclusive of, 6.208, 6.400
 Monies, board as controlling, 5.101
 Non-teaching positions under civil service, 5.101, 5.103, 8.300
 Plans for constructing, altering, etc., examination and approval of, 3.545
 Powers of board as to, 5.101
 Principals not tenured, 5.101
 Superintendent, see **Superintendent of Schools**
 Teachers for, see **Teachers**
 Vice-principals not tenured, 5.101

SCORING

Civil service examination papers, see **Civil Service Examinations**

SEAL

Alteration, power of, 1.101
 City as having, 1.101

SEALER OF WEIGHTS AND MEASURES

City officer, status as, 1.103
 Department of weights and measures as including functions of, 3.510
 Officer of city, status as, 1.103

SECRETARY OF AGRICULTURE AND SERVICES

Port commission, ex-officio member of, 3.580

SECURITY

Notes as security for money borrowed by city, 6.304
 Temporary transfers or loans, taxes as security for, 6.304

SEGREGATION

Appropriations for materials, supplies and equipment as segregated, 7.104
 Budget estimates and statements submitted to mayor, 6.200
 Capital improvement projects report segregation projects not affecting master plans, 6.202
 Salary ordinance as segregating positions, 6.207

SELLERS

Licenses and permits, 7.704

SENIORITY

Transferred personnel from recreation and park to public works, 3.552

Vacation, time for taking affected by, 8.440

**SERVICE OF PROCESS
AND NOTICE**

Charges for removal of superintendent of schools, 5.102

Mayor as officer for, 3.100

SERVICE RECORDS

Securing of, 3.661

SERVICES BY CITY

Fees, recommendations as to, 3.501

SET-BACK RESTRICTIONS

See also, Zoning

Licenses and permits affecting, approval of, 7.500

SEVERANCE

Vacation pay in case of, 8.440

SEWERS

Bonded indebtedness limits, 6.401

Mains as ordered by director of public works, 7.604

Tax levies to support, 6.208

SHERIFF

Bailiffs for municipal court as detailed by, 4.102

Chief of police having power of during riots, 3.537

Elective officer, as, 3.404, 8.108

Generally, 3.404

Municipal election for, 9.100

Official bond of, 3.404

Salary of, 3.404

Term of, 9.100

SHERIFF'S OFFICE

Equipment or other personal property of employees damaged or lost in line of duty, repair or replacement of, 8.440

Health service system, provisions for membership in, 8.507

Retirement system, public employees, membership in, 8.507

SHOPS

Purchasing department as operating, 3.500

SICK LEAVE

Accumulation of, 8.363

SIDEWALKS

Defects causing injuries, liability of director of public works for, 7.605

Good repair as duty of property owner, 7.601

SIGNS

Traffic control by use of, 3.538

SIMPSON AFRICAN HALL

Management and operation by California academy of science, 3.640

SINKING FUNDS

Budget estimates submission including statement of, 6.200

Improvements bonds sinking fund charges paid by special assessments, 7.603

Maximum tax levy as exclusive of, 6.208, 6.400

Tax levies for, 6.208, 6.400

SLUM CLEARANCE

Project plans submitted and acted upon, 3.527

SOCIAL SECURITY COVERAGE

See also Retirement

Additional contributions, retroactively requiring, 8.514

Allowances —

early retirement, modification of allowance for, 8.514

minimum of combined allowances, 8.514

reduction of retirement system allowances, 8.514

Board of supervisors providing for by ordinance, 8.514

Contributions —

additional contributions required for retroactivity, 8.514

city contributions under retirement system, adjustment of, 8.514

liability for, 8.514

retroactive time, contributions for, 8.514

retirement system contributions as affected by, 8.514

Early retirement, modification of allowance for, 8.514

Effective date as retroactive, 8.514

INDEX

SOC. SEC. COVERAGE—Cont'd

Elections —

- contributions under retirement system, reduction of, 8.514
- members already covered, election as to inclusion under city plan, 8.514
- reducing retirement system contributions, 8.514

Eligibility for, 8.514

Employees, generally, 8.514

Fire department members excluded from, 8.514

Minimum allowance under combined retirement system and social security, 8.514

Municipal railway employees as included in, 8.514

Numbers, plural and singular, 8.514

Option as to modification of allowance on early retirement, 8.514

Ordinance prescribing conditions for, 8.514

Police department members excluded, 8.514

Previous coverage, effect of, 8.514

Prior coverage, effect of, 8.514

Reductions —

- allowances under retirement system, 8.514
- contributions under retirement system, 8.514

Referendum of employees as to, 8.514

Retirement system adjustments, power to make, 8.514

Retroactive effect of, 8.514

School district employees included in, 8.514

Words, meaning of, 8.514

SOCIAL SERVICES COMMISSION

Director, 3.571

Duties, 3.572

Employees, 3.573

Members, 3.570

SOCIAL SERVICES DEPARTMENT

Board of supervisors, duties as authorized by, 8.300

Bureaus established by director of, 3.570

California, duties as authorized by, 8.300

Citizens' emergency relief committee functions

exercised by, 8.300

transferred to, 3.573, 11.102

Civil service applying to employees of, 3.573, 11.102

County welfare department transferred to, 3.573, 8.300, 11.102

Divisions as established by director of, 3.571

Employees for, 3.570, 3.573, 11.102

Establishment of, 3.570

Mayor appointing members of, 3.570 **San Francisco, duties as authorized by, 8.300**

Transfer of county welfare department to, 3.573, 11.102

United States, duties as authorized by, 8.300

Welfare commission, see Welfare Commission

SPECIAL ASSESSMENT PROJECTS

Financing of, 7.603

Interest on revolving fund money added to contract for, 7.603

SPECIAL ASSESSMENTS

See Assessments

SPECIAL COMMITTEES

Board of supervisors, of, 2.200

Boards and commissions, generally, 3.500

SPECIAL EVENTS

Admission fees, permission to charge, 7.403

Lease of stadiums and recreation fields for, 7.403

SPECIAL POLICE OFFICERS

Appointment and removal of, 3.535

SPUR TRACKS

Permits for, 7.606

SQUARES

See also: Parks

Automobile parking stations, lease of subsurface space for, 7.403

Buildings on —

power to erect, 3.552, 7.403

use restricted to recreation, 7.403

Control management and direction by commission, 3.552, 7.403

Leases of land, 7.403

New squares, power to construct, 3.552

Tax levy to support, 6.208, 6.400

SAN FRANCISCO CITY CHARTER

STADIUMS

- Games, lease for, 7.403
- Lease of by recreation and park commission, 7.403
- Rental of by recreation and park commission, 7.403
- Special events, lease for, 7.403

STANDARDIZATION

- Materials, supplies and equipment as standardized, 7.100
- Salaries, see Salary Standardization

STANDING COMMITTEES

- Board of supervisors, of, 2.100
- Boards and commissions, generally, 3.500

STANDPIPES

- Plans for altering, etc., examination and approval of, 3.545

STATE LAWS

- Adult probation committee continuing under, 4.105
- Bonded indebtedness as governed by, 7.300
- Canvass of elections governed by, 9.107
- Claims procedure governed by, 7.703
- Continuance of local government in disasters governed by, 2.101
- Control of procedure for rights or powers, 1.102
- County agricultural department including functions prescribed by, 3.510
- County officers powers and duties under, 3.700
- Deposits as governed by, 6.311
- District attorney's expenditures governed by, 3.402
- Health service medical care governed by, 8.424, 8.430
- Initiative, referendum, recall, subject to, 9.103, 9.108, 9.109
- Juvenile probation board continuing under, 4.105
- Municipal court powers and duties governed by, 4.100
- Petitions for initiative, referendum and recall governed by, 9.109
- Public works procedure governed by, 7.600
- Refunding bond issuance as governed by, 7.300
- Registration of voters subject to, 9.103
- Streets and highways improvement procedure governed by, 7.600
- Superior court governed by, 4.103

STATE OF CALIFORNIA

- Harbor, jurisdiction, transfer to City and County, 3.582
- Retirement system, provision for Sheriff's office membership in, 8.507
- teachers in, 8.506-1

STATE TAXES

- Tax levy maximum as exclusive of, 6.208, 6.400

STATEMENT OF QUALIFICATIONS

- Board of education, nominees, 5.100

STATEMENTS

- Deposits, daily statements of, 6.311
- Receipts, daily statements of, 6.311

STATUTE OF LIMITATIONS

- Waiver by city, 2.300

STEINHART AQUARIUM

- Management and operation by California academy of sciences, 3.640
- Salaries and wages, 8.402

STENOGRAPHERS

- Mayor's stenographers, 3.100

STREET RAILWAYS

- see Municipal Railway
- Abandonment, authority required for, 3.595
- Regulation by public utilities commission, 3.595
- Same streets, use by two or more lines, 3.595
- Speed limits, regulation of, 3.595
- Subways, exclusive rights to as prohibited, 3.595
- Tunnel, exclusive rights prohibited, 3.595
- Viaducts, exclusive rights prohibited, 3.595

STREETS AND HIGHWAYS

- Acceptance of by supervisors after paving, 7.601
- Complaints as to design for traffic, public works department as responsible for, 3.538
- Defects causing injuries, liability of director of public works for, 7.605
- Design for traffic, complaints to public works department, 3.538
- Emergency construction of, 7.200
- Licenses and permits for use of, 7.704
- Patented pavement use of, 7.602
- Paving of, acceptance by supervisors following, 7.601

INDEX

STREETS AND HIGHWAYS—Cont'd

Railway company having duty to repair under franchise, 7.601
Repairs, keeping in after paving, 7.601
State law governing improvement procedure for, 7.601
Tax levies to support, 6.208, 6.400

STREET TRAFFIC

Generally, see **Traffic Control and Regulations**

STRYBING ARBORETUM AND BOTANICAL GARDENS

Director of —
 appointment of, 3.551
 qualifications for position, 3.551
SUBDIVISION HEADS
Appointing officers, as, 3.501
Requisitions for purchases, power to issue, 3.501

SUBDIVISIONS

Plats, re-plats, project plans submitted to planning department, 3.527

SUBPOENA

Chief of police as having power of, 3.537
Department investigation, subpoenas for, 2.400
Refusal to obey, penalty for, 2.400
Service of in department investigation, 2.400
Tax collector as having power of, 3.537

SUBSTITUTE EMPLOYEES

Retirement system applicable to, 8.509

SUBSTITUTE PROMOTIONAL EXAMINATIONS

Generally, 8.328

SUBWAYS

Street railways, different lines as using, 3.595

SUITS

City and county as party, 1.101

SUPERINTENDENT OF BUILDING INSPECTION

Report of bureau directed to, 3.545

SUPERINTENDENT OF SCHOOLS

Appointment of, 5.102
Appointments, promotions, assignments, as recommended by, 5.102
Assistants, qualifications for, 5.102

Associates, qualifications for, 5.102
Charges for removal of, 5.102
City officer, superintendent as, 1.103
Confidential secretary for, 5.102
Deputy superintendent classified permanent, 5.101
Duties, generally, 5.102
Executive officer of board, as, 5.102
Hearing for removal of, 5.102
Officer of city, superintendent as, 1.103
Powers, generally, 5.102
Qualifications of, 5.102
Removal of, procedure for, 5.102
Residence qualifications, exemption from, 5.102
Salary of, 5.102
Salary standardization, exception from 8.401
Secretary for, 5.102
Suspension of pending removal procedures, 5.102
Term of office, 5.102
Training required for, 5.102

SUPERINTENDENTS

Boards and commissions, 3.500

SUPERIOR COURT

Chief probation officer of juvenile court, appointment and removal of, 4.105
Judges —
 adult probation officer appointed by, 4.105
 juvenile court judge as appointing probation officer of juvenile court, 4.105
Jury commissioner as, city officer, 1.103
Law library, judges as ex-officio trustees of, 4.104
Maintenance of as provided by board of supervisors, 4.103
Officer of city, secretary and jury commissioner as, 1.103
Retirement system membership of employees, 8.503
Secretary as city officer, 1.103
State law as governing, 4.103

SUPERVISORS

See **Board of Supervisors**

SURPLUS COMMODITY

Purchase authorized, 7.101

SURPLUS FUND

Transfer of, 6.305

SAN FRANCISCO CITY CHARTER

SURPLUSES

Appropriation ordinances for, 6.306
Appropriations balances as, 6.306
Budget estimates for appropriation of, 6.306
Budget estimates submission including estimate of, 6.200
Excess collections as, 6.306
Following fiscal year, revenue in, 6.306
Government surplus property purchases, 7.101
Property surplus, transfer of, 7.100
Public utilities surplus fund established, 6.407
Unused and unencumbered appropriations as, 6.306
Utility surpluses transferred to general fund, 6.407

SURVEYS

Municipal railway employees, compensation, 8.404
Police department compensation fixed in accordance with, 8.405
"Rate of compensation" considered in, 8.405
Rate of compensation for fire department, 8.405

SUSPENSION OF OFFICERS AND EMPLOYEES

See also: Discipline of Officers and Employees; Removal of Officers and Employees

Appeal to civil service commission, 8.341, 8.342
Appeal to fire and police commission, 8.343
Appointing officer as hearing charges, 8.341, 8.342
Board of education as subject to, 5.100
Charges, result of, 8.341
Chief administrative officer as subject to, 3.200
Chiefs of departments, power of, 8.543
Civil service commission examining proceedings for, 8.341
Civil service inspections, interference with, 3.661
Decision as final, 8.341
Deleting from record upon exoneration, 8.344
Elective officers, generally, 8.107
Exoneration, remission upon, 8.344
Expunging from record upon exoneration, 8.344

Finality of appointing officer decision as to, 8.341
Fire department members, 8.343
Hearing by appointing officer, 8.341
Leave of absence of suspended police officer, effect of reinstatement, 8.344
Notice in writing as to reasons for, 8.341
Officers, generally, 8.107
Official bond, suspension for insufficiency of, 3.304
Patrol special police officer, 3.536
Police department members, 8.343
Political activities as cause for, 8.311
Port commission members as subject to, 3.580
Procedure for, 8.107
Public utilities commission members, 3.590
Salary —
 loss for period, 8.342
 payment upon exoneration of charges, 8.344
Superintendent of schools, pending removal proceedings, 5.102

SYMPHONY ORCHESTRA

Taxes for support of, 6.208

T

TAXATION

See also Bonded Indebtedness, Bonds
Appropriation amounts limited to revenues produced by, 6.205, 6.300
Business license tax, 6.403
Capital improvements in utilities, financing of, 6.205
Collections —
 bonded indebtedness paid by in preference to city notes, 6.304
 cash reserve fund for expenditures in anticipation of, 6.304
 expenditures in anticipation of cash reserve fund for, 6.304
 fiscal year collections as repayment for notes, 6.304
 lien on, notes of city as, 6.304
 loans anticipating, 6.304
 notes of city as paid by, 6.304
 repayment of temporary loans by, 6.304
 tax anticipation loans as prior lien on, 6.304
 temporary loans or transfers made in anticipation of, 6.304

INDEX

TAXATION—Cont'd

- Collector —
 - bond of, 8.101
 - city officer, status as, 1.103
 - delinquent assessments as notified by public works department, 7.600
 - finance and records department, inclusion, 3.510
 - inspection of businesses, power of, 6.402, 6.403
- Delinquency —
 - emergencies, tax delinquencies balanced by salary deductions during, 8.406
- Health service contribution fixed according to tax rate, 8.428
- Judgment, budget estimates submission to mayor including statement of, 8.406
- Levies —
 - amount of, 6.208, 6.400
 - board of supervisors as making, 6.208
 - bonds of utilities as excepted from authority for, 6.208
 - cash reserve fund increased by, 6.304
 - exclusions from maximum amount provision, 6.208, 6.400
 - increased payments provided by, 6.208
 - maximum amount of, 6.208, 6.400
 - temporary transfers or loans as secured by, 6.304
- License taxes on business, 6.403
- Licenses and permits, 6.204
- Limitations —
 - bonded indebtedness, 6.401
 - property tax, 6.400
 - special assessments, 6.410
- Minimum tax for departments, appropriation limited to revenues from, 6.300, 6.301
- Ordinances exempt from referendum, 9.108
- Property tax limitations, 6.400
 - special assessments, 6.410
- Recreation and park purposes, 6.208, 7.403
- Reduction of during emergency period, 8.406
- Sales and use taxes, 6.412
- Special assessments, 6.410
- Uniform sales and use taxes, power to legislate as to, 6.412
- Use taxes, powers as to, 6.412
- Utility capital improvements, financing of, 6.205

TAX JUDGMENT

- Budget estimate submission including statement as to, 6.200

TAX SALES

- Interest by officers and employees prohibited, 8.105

TAXPAYER'S SUITS

- Generally, 7.700

TEACHERS

- Benefits from retirement, 8.507, 8.509
- Certificates, granting, renewal, revocation, 5.101
- Charges for removal of, 5.101
- Dismissal of, power as to, 5.101
- Employment by board, 5.101
- Health service benefits, eligibility for, 8.420, 8.428
- Hearings for removal of, 5.101
- Merit as basis of promotion, 5.101
- Permanent employees after probationary period, 5.101
- Probationary period, permanent classification after, 5.101
- Promotions, power of board as to, 5.101
- Retirement, see Retirement
- Salaries, 8.402
 - board fixing, 5.101
 - excess payment of, 5.101
 - prompt payment provided for, 5.101
 - schedule of, 5.101
 - twelve payments, payment in, 5.101
- Social security coverage for, see Retirement; Social Security Coverage
- State retirement system —
 - benefits from, 8.507
- Superintendent of schools recommending as to appointments, etc., 5.101
- Supervisory personnel on contract basis, 5.101
- Transfer of, power of board as to, 5.101

TELEPHONE EXCHANGE

- Public works department as including, 3.510

TELEPHONE SYSTEM

- Board of supervisors as regulating private connections with, 3.510
- Fire protection of private firms, connections for, 3.510
- Police protection of private firms, connections for, 3.510

SAN FRANCISCO CITY CHARTER

TEMPORARY EMPLOYEES

See also: Civil Service Appointments
Appointments, 8.332
Health service participation, 8.425
Retirement system applicable to,
8.509

TEMPORARY TRANSFERS AND LOANS

Anticipation of tax collections for,
6.304
Approval by officers, board or com-
missions, 6.304
Board of supervisors as making, 6.304
Making of where cash reserve funds
unavailable, 6.304
Pension fund as exempt from, 6.304
Repayment of, 6.304

TENURE

Health service board members, 8.420

TERMS OF OFFICE

Airports commission members, 3.690
Architect member of art commission,
3.600
Artist-painter of art commission,
3.600
Artist-sculptor for art commission,
3.600
Audit of accounts upon expiration of,
3.303
Board and commission administrative
heads, 3.500
Board of education members, 5.100
Board of health members terms as
terminating, 3.510
Board of permit appeals membership,
3.650
Board of supervisors, 9.100
Board of trustees of war memorial,
3.610
Chief of police, of, 3.532
City officers, terms of, 9.100
City planning commission members,
3.521
Civil service commission members,
3.100
Fire commissioners, 3.540
Health advisory board members,
3.510
Landscape architect, 3.600
Lay members of art commission,
3.600
Library commissioner, 3.560
Library trustees, 8.300(a)
Litterateur of art commission, 3.600
Medical director of health service
system, 3.682

Musician member of art commission,
3.600
Officers of city, terms of, 9.100
Planning commission members, 3.521
Police commissioners, 3.530
Port commissioners, 3.580, 3.582
President of board of supervisors,
2.200
Presidents of boards and commissions,
3.500
Public utilities commission members,
3.100, 3.590
Recreation and park commission,
3.550
Retirement board members, 3.100,
3.670
Social services commission members,
of, 3.570
Superintendent of schools, 5.102
War memorial trustees, 3.610

TERRITORIES

Patrol special police officer as owning,
3.536

TESTAMENTARY TRUSTS

Boards and commissions powers and
duties as to, 3.500

TESTIMONY

Investigation compelling production
of, 2.400
Retired persons compensated for giv-
ing, 8.511

TIME

Budget estimates, time for, 6.200
Completion of contracts, time of as
basis of award, 7.203
Effective dates of ordinances, 2.304
Initiative, referendum and recall pro-
ceedings, 9.108
Mayor's absence tolling of limitations
by, 2.302
Notes, payment as fixed by supervi-
sors, 6.304
Ordinances —
action by mayor on, 2.302
passage, 2.301
Reconsideration of measures, limita-
tion upon, 2.302, 2.303
Resolutions —
action by mayor on, 2.302
adoption, 2.301

TOLLS

Port commission as regulating, 3.581

TORTS

Continuance of rights and liabilities,
11.100

INDEX

TOWING OF VESSELS

Port commission as controlling, 3.581

TRAFFIC BUREAU

Inspectors in, deemed appointed, 3.534

TRAFFIC CONTROL AND REGULATIONS

Chief of police has jurisdiction of, 3.582

Devices, 3.538

Plans, 3.538

Police officers employed for, 3.538

Public works department functions re, 3.510

Review and recommendation, to public works department, 3.510

Signs, use of, 3.538

TRAFFIC OFFICERS

Motorcycle officers, additional pay for, 8.405

TRAINEES

Municipal railway employees, pay rates for, 8.404

TRANSCRIPTS

Keeping of, duty as to, 3.401

TRANSFER OF DISABLED PERSON

Accident as cause for, 8.350

Advanced age as cause for, 8.350

Civil service commission as governing, 8.350

Classifications to which transferred, 8.350

Military service disabilities as cause for, 8.350

Recovery from disability, return upon, 8.350

Return to former classification, 8.350

Salaries of disability transferees, 8.350

Salaries standardization as applicable to, 8.350

Salary affected by, 8.350

TRANSFERS

Appropriation—

balances unused, transfers of, 6.306

purchaser's revolving fund, to, 7.104

Automation, 8.351

Cash reserve fund insufficiency, temporary transfers or loans in case of, 6.304

Departments, functions and duties of, 3.501

Disability, 8.350

Disability transfers, promotional examinations for, 8.350

Employees, of, 8.350, 8.351

laid off due to automation, 8.351

Engineering functions of recreation and park to public works, 3.552

Expenditures to be in pursuance of, 6.303

Fund balances, transfer of, 6.306

Person transferred with function, 1.101

Personnel of recreation and park to public works, 3.552

Recreation and park engineering functions and personnel, 3.552

Surplus funds, 6.305

Unencumbered balances, transfer of, 6.305

Withdrawals from treasury as being in pursuance of, 6.303

TREASURER

Audits of money in hands of, 3.303

Banks, safe keeping of securities, 6.311

Clearing house representative recommended by, 6.309

Disbursement of funds in custody of, 6.311

Elective officer, as, 3.405

Health service contribution deposited with, 8.429

Joint custody safe for deposits with, 6.310

Losses, responsibilities for, 6.311

Money, safe custody provided by ordinance, 6.310

Municipal election for, 9.100

Official bond of, 3.405

Pension funds and securities deposited with, 6.311

Property, safe custody provided by ordinance, 6.310

Public money other than city's keeping of, 6.311

Receipts given for moneys and checks, 6.311

Record of items deposited with in joint custody safe, 6.310

Safe for items in possession of, 6.310

Salary of, 3.405

Term of, 9.100

TREASURY

Checks to be delivered to, 6.311

Moneys to be delivered to, 6.311

Utilities receipts deposited in, 6.407

Withdrawals from, to be in pursuance of appropriations or transfers, 6.303

SAN FRANCISCO CITY CHARTER

TRUSTEES

Library trustees, board, commission as successors of, 3.560

TRUSTS

City's power as to, 1.101

Continuance of rights and obligations, 10.101

Gifts by, performance for city, 3.500

Investment of, 6.311

Salary deductions during emergencies as reverting to, 8.406

Testamentary, performance of for city, 3.500

TUNNELS

Street railways, different lines as using, 3.595

U

UNDER-SHERIFF

Appointment and removal of, 3.404

UNDERWRITERS FIRE PATROL

Retirement benefits for employees, 8.562

UNEMPLOYMENT

Salary deduction during emergencies due to, 8.406

UNENCUMBERED BALANCE

Claims unpaid when balance insufficient, 6.303

Definition of, 6.302

Emergency reserve fund balance, 6.307

Transfers of, 6.305

UNIFORM SALES AND

USE TAXES

Legislation and agreements, powers as to, 6.412

UNITED STATES

Bonds required for port operations, execution of, 3.581

USE TAX

Legislation and agreements, powers as to, 6.412

USED MATERIALS

Exchange or sale by purchaser of supplies, 7.100

UTILITY HEADS

Appointing officers, as, 3.501

Checking of purchases, duty of, 3.501

Requisitions for purchases, power to issue, 3.501

V

VACANCY IN OFFICE

Appointments by mayor to fill, 3.100

Death creating, 8.104

Disaster, mayor's successor in case of, 3.100

Elected person failing to qualify, filling upon, 9.107

Emergency, succession to mayor in case of, 3.100

Events creating, 8.104

Health service board membership, 3.680

Law library trustees board, filling of, 4.104

Mayor filling vacancy of, 3.100

Mayor's office succession in case of disaster, 3.100

Notice to civil service commission as to, 8.200

Port commission vacancies as filled by mayor, 3.580

Recreation and park commission, filling by mayor, 3.550

Retirement of officers, filling upon, 8.501

Social service commission vacancies, 3.570

War memorial trustees, 3.610

VACATED STRUCTURES

Fire inspections, 3.545

Plans for altering, etc., examination and approval of, 3.545

VACATION

Accumulation permitted, 8.440

Annual vacation, 8.440

Collective bargaining agreements affecting rights to, 8.440

Computing of time, 8.440

Effective date of provision as to, 8.440

Election as to accumulation, 8.440

Fifteen years service, 8.440

Holidays, allowance for, 8.404, 8.440

Length according to service, 8.440

Municipal railway employees, 8.404

Number of days, 8.440

Ordinances regulating, 8.440

Pay for, 8.440

Pro rata payment in case of severance, 8.440

INDEX

VACATION—Cont'd

Salary rates unaffected by, 8.440
Salary standardization provision affecting rights to, 8.440
Seniority considered for, 8.440
Service required for, 8.440
Severance, payment in case of, 8.440
Time for taking, 8.440
Wage rates unaffected by, 8.440

VARIANCES

Zoning, see Zoning

VERIFICATION

Damage claims, 7.703

VESSELS

Port Commission, regulations as to berthing, etc., by, 3.581

VETERANS

Benefits, eligibility, 8.324
Civil service exams credit for, 8.324
Disabled veterans preference in civil service exams, 8.324
Eligible list standing, 8.361
Probationary period required of, 8.361
War memorial trustees appointments considering, 3.610

VETO

Mayor as vetoing ordinances and resolutions, 2.303

VIADUCTS

Street railways, different lines as using, 3.595

VIETNAM WAR

Veterans, benefits, 8.324

VOTING

Majority vote of boards and commissions, definition of, 3.500

VOUCHERS

District attorney's special fund expenditures, vouchers for, 3.402

W

WAGES

See Salaries and Wages

WAIVERS

Statutes of limitation waived by city, 2.300

WAR

Time of, what constitutes, 8.324

WAR EFFORT LEAVES

Authority for, 8.361
Previous military leaves deemed as, 8.361

WAR MEMORIAL

Administration trustees in charge of, 3.610
Appropriation for, 6.404
Construction, trustees in charge of, 3.610
Employees for, appointment of, 3.611
Grounds, trustees in charge of, 3.610
Managing director, appointment of, 3.611
Operation, trustees in charge of, 3.610

WAREHOUSES

Fees as regulated by port commission, 3.581
Port commission as regulating, 3.581
Purchaser of supplies in charge of, 7.100
Purchasing department as operating, 3.510

WARRANT AND BOND OFFICE

Appeal bonds, issuance of, 3.402
Appointment of deputy, 3.402
Appointments to, 3.402
Assistance for, 3.402
Bail bonds, issuance of, 3.402
Bail fixed by, 3.402
Cash bail fixed by, 3.402
Clerks for, 3.402
Complaints drawn by, 3.402
Discharge of accused person by, 3.402
Duties of generally, 3.402
Employees for, 3.402
Judges, actions subject to, 3.402
Magistrate, actions subject to, 3.402
Powers of, 3.402
Qualifications, generally, 3.402

WARRANTS FOR ARREST

District attorney, issuance by, 3.402
Warrant and bond deputy, drawing by, 3.402

WARRANTS FOR EXPENDITURES

Allotments by controller to departments as limiting amounts of, 6.205, 6.301
Appropriation items as stated in, 6.302
Claims as paid by, 6.303
Disbursements made only by, 6.311
District attorney's special fund, expenditures from, 3.402

SAN FRANCISCO CITY CHARTER

WAR-TIME APPOINTMENTS

Civil service exams for, 8.331
Limited tenure, see **Limited Tenure Appointment**

WATER DEPARTMENT

Leases subject to administration by, 7.402
Public utilities commission, department under, 3.592

WATER POLLUTION CONTROL

Bonded indebtedness limit, 6.401

WEAPONS

Police department disposal of, 3.537

WELFARE COMMISSION

See: **Social Service Commission**

WHARVES

Fees as regulated by port commission, 3.581
Franchises, etc., powers to grant, 3.581
Port commission as regulating, 3.581

WITNESSES

Fire and police disciplinary procedures, 8.343
Hearings as to department affairs, witnesses for, 2.400
Retired persons serving as, 8.560

WORDS

Masculine as including feminine and neuter, 8.514

WORKMEN'S COMPENSATION

Assumption of risks, determination of, 8.515
Benefits paid from retirement system, 8.515
Fire department retirement benefits affected by, 8.565, 8.575
Patrol special police officer entitled to benefits of, 8.515
Police retirement benefits, affected by, 8.540, 8.551
Premiums paid by retirement system, 8.515
Reinsurance of risks, determination of, 8.515
Retirement benefits affected by, 8.509, 8.544, 8.551, 8.575
Retirement board as administering, 8.515

WORKMEN'S COMPENSATION- APPEALS BOARD

Firemen's disability under retirement provisions, determination of percentage, 8.571
Police department member retiring on disability, determination of percentage of disability, 8.547

WORKS OF ART

Alteration requiring approval, 3.601
Art commission approval required for, 3.601
Definition of, 3.601
Location for, approval required, 3.601
Relocation requiring approval, 3.601
Removal requiring approval, 3.601

Z

ZONING

Administrator —
amendments, investigation and report as to, 7.501
appeal from decision of, 7.501
appointment subject to civil service provisions, 7.502
ordinances enforced by, 7.502
Appeal from change decisions, 7.501
Changes in classifications, hearings as to, appeals, 7.501
Classification changes made by commission on own motion, 7.501
Establishing procedure for, 7.501
Hearing as to changes, 7.501
Licenses and permits affecting approval of, 7.500
Notice to parties interested in changes, 7.500
Ordinances affecting, hearings on, 7.501
Procedures established by board of supervisors, 7.501
Property owners notified as to hearings for changes, 7.501
Re-submitting change proposals —
after appeal, 7.501
after disapproval, 7.501
Set-back lines, changes and hearings as to, 7.501

INDEX

ZONING—Cont'd

Variances —

- administrator as receiving and hearing applications for, 7.503
- appeals from decisions as to, 7.503
- board of permit appeals, hearing appeals as to, 7.503
- circumstances justifying, 7.503
- conditions as to granting, 7.503
- effective date of variances granted, 7.503
- finality of decisions as to, 7.503

- granting, administrator power as to, 7.503
- power as to granting, 7.503
- procedure for action established by ordinance, 7.503
- time limit for appeals for decisions on, 7.503

ZOO

Director —

- appointment and removal powers, 3.551

50902



